App. F. IX-4

Previous References.

Legis 47-42-1.

1943-44
Legis

File No. 2-43
Serial Nos. 1

Later References.

107

GENERAL AND REVENUE SECRETARIAT

Serial Nos. one only.

Part B for November 1943.

SUBJECT

War Risks (Factores) Insurance (amendment) Act 1943.

To the Compiler, Mysore Gazette

Directs the publication of the Act in the Gazette

No 2t. 139-Legs 2-43-1 dt 31/8t Jan 8/1943

N. Venkatachelam
1/3/44

War Risks (Factories) Insce ordinance of 1943. Republication (amendment) of

Dte 45/43

Continuation Sheet. Dte File No. / Current No. 68/42 · 39 of Page.

Letter No. 117 W.R.I (2) 43 dated 20.2.43 from the Joint Secy to the Govt of India Supply & Labour Department that amending legislation on the statement forwarded in regard War Risks (Factories) Insurance may be enacted in this State

1) The statement forwarded by the Govt of India is for perusal. A Copy of the Factories Insurance Act 1943 exists in this State to be placed on the file. Perhaps an amendment ordinance on the lines suggested by the Govt of India in their statement may be issued in this State & the Legislature Secretary may be consulted in this matter.

2) An amending act on the lines of the Govt of India amendment ordinance appears necessary. The Legislature may take steps for promulgating the same as an emergency measure. To Dev Secy

27/2/43

3) Yes

4) Dft amending Bill (Emergency measure) may be put up.

Legis (Secrin) 10/3/43

10/3

5) In the main Act file, there was a certified Copy of the British India ordinance. Please put it up.

BAR 10.3.43

Dev 10.3.43

OFFICE OF THE SECRETARY
MW2N
313
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

Urgently for facility of reference

3/3
10.3.43

File relating to the promulgation of the Emergency Act is put up herewith.

2N 11-3-43 2) If amendments on the lines of ordinance IX of 43 have to be incorporated, earlier amendments made by ordinance XXXII of 1942 have also to be considered, particularly with reference to Section 5 (11), unless the earlier amendment is also incorporated it will not be possible to make the amendment of Section 4 (a) of the recent ordinance.

8) Please kindly find out if the question of taking action on the lines of ordinance XXXII of 1942 has already been considered at any time by the Legislature within the admin Section and why it may be worked out very quickly.

Sd
11-3-43

The administrative Section is requested to kindly inform whether the earlier amendments have been considered there as noted in the above para

2N 11-3-43 10) Report, I & C Branch

11/3 11) Ordinance XXXII of the Govt of India (Amending Act) was issued by the Govt of India on 18th July 1942 and our (Emergency) Act XXXIV of 1942 on 8.8.42. There

War Risks (Factories) Insurance (amendment) 1943 - Re publication of Act 45 of 1941.

Continuation Sheet. File No. / Current No. 68/42 of Page.

is no indication in the file, however, that the Govt of India amending Act was considered before the Bombay Act was promulgated. Only sections 3 and 5 of the (amending act) ordinance XXXII of 1942 seem to be relevant to our Act as it stands. Action may be taken to incorporate the relevant amendments as per Ordinance XXXII of later in the present proposed amendments as per Ordinance IX of 1943

Dev Secy

11.3.43

12) Yes.

MG

13/3/43

13) Asst Secy depts.

MC

13/3/43

BKR

12-3-43

12.3.43

14) Draft of an amending Bill is put up for consideration. The adaptations suggested by the Government of India have been kept in view. The form adopted is for issue as an Emergency Act.

15) Part of the amendments effected in British India by ordinance

Wr Rest Factories Insurance amendment

Continuation Sheet. File No. 498/41 of Page.
Current No. 68

May H

XXII of 1942 has also been incorporated in the draft Bill. Section 23 (ii) and 5 are the sections of that ordinance now added and included in the Bill.

16) It will be seen from the letter of the Residency no 7-89-40(3)/W dated 18.7.42 drawing attention to that ordinance, that the reference was not received in the Registration at all. Hence those amendments were not considered & this section at any time.

May H.

15. MAR. 1943

SD
13.3.43

Secy
RA-LC

17) BDKR
13.3.43

Law Secy) 18) CWS
13-3-43

BDKR
15.3.43

19) Amendm Dft, Bill for appl. (Emergency measure) Comml matter; may be disposed of by circulation

Min F & R

* Dewan

20) Please put up
a file showing
the changes
suggested

15/3/43
15/3

OFFICE OF THE MINISTER FOR FINANCE & REVENUE 15 MAR 1943 No 8020

HOV DEV DEP 1943

WD
16/3/43

OFFICE OF THE MINISTER FOR FINANCE & REVENUE 8 APR. 1943 No 8601

24) Statement of principles & forms for perusal

25) To be submitted to Minister F & R

7/4
7/4

9 & 6 P-43

21) Dev. Secy's instructions

"A statement of ~~objects & acts~~ principles to be put up"

Secy RA file

For
16/3/43

22)
A draft Statement of principles is submitted for approval

W.
19.3.43

PKR
19/3

PKR
27.3.43

Asst Secy
Dev Br
We

23)

Secy (Dev Secy)

For
27/3/43

War Risks (Factories) Insurance (amendment) Emergency Act 1943

4541

Continuation Sheet. File No. 68 / Current No. of 42 Page

(Min Edn)

TB 13/4/43

26) I do not think there is any need to move this amendment bill as an emergency measure, the conditions being different from those in certain parts of Britain, which are exposed to greater danger. It could be introduced as an ordinary measure before the ensuing session of the Legislature but personally, may, however be taken to give effect to it as an emergency measure, if need should arise -

8082

(Sd) Govan

TB 19/4/43

27) Rec'd 21/4/43

W 24/4

Cr 24/4 XX

TB 26/4

28) This may now be sent to the Legis Secy & CB for further action (Reference 19). In view of the minute of the Minister at Para 26 above, the word "Emergency" may have to be deleted in the draft bill prepared by the Legis Secy placed in the file.

29) Secy RA & RA

TB 26/4/43

JB 25/4.

30) BKR 27.4.43

CHIEF SECRETARY'S OFFICE Date 19/4/43 No 121

OFFICE OF THE MINISTER FOR EDUCATION Date 24/4/43 No 225

WD 1140—GPB—50,000—5-11-42

31) The Preamble has been suitably altered for issue as an ordinary measure

Secy (RA. Lc) 28.4.43

32) For further action

BKR 26-4-43

Asst Secy (illegible) for WE)

Submitted with a circulation memo.

33) CB 26/4/43

Pr 27/4/43 34) MG

1/5/43

35)

For Disposal by Circulation.

No. C. / 0 3 0

..... 9 **1942.43.**

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

The War Risks (Factories) Insurance (Amendment) Act 1943.

Circulated to the Council of Ministers.

By Order.

.....27th..April.....*1943.*

Chief Secretary to Government.

27/4/43

9/46 27.4.43 **Minister for ~~Finance and~~ Revenue.** and Law. 28.4.43

6283 30.4 **Minister For ~~Law~~** Public Works. 30.4.43

Minister for Education.

9/08 30/4 **Minister for Local Self-Government and Public Health.** 30.4.43

138 1-5-43. Minister for Ind. & Com:

W D 01339—GPE—1,000—15-12-42

Dersec w/cs

4/5

WQ 3/5/43

4/5/43

Continuation Sheet. File No. 498/M Current No. of 4541 Page.

8409

36) As per Work Calendar for the Budget session of the R.A. Bills, all Govt business has to be communicated to the R.A. Office by the 8th May 1943. There is not sufficient time for submitting the file to H.E. & obtaining orders before 8th inst. Orders are solicited for the inclusion of this Bill in the business of the R.A. in anticipation of the orders of H.E.

Dee Secy) 4.5.43

Min. Edn) 37) 4/5

38) Yes. D.F.N. 4/5

Circulation. 4/5

5/5/43

39) Please make 3 copies of Bill & St of principles & put up with the file 5-5-43

40) Mr D.V. Typed copies of the Bill and St of principles are submitted herewith 41) 5-5-43 Copies returned for action 5/5 Returned as requested 5/5 Asstt Secy Edn 5.5.43

D.F.N. Secy

6/5 SECRETARIAT Date 6.5.43 No. 4775

D.F.N. placed below.

42) 7/5/43 S. N. submitted.

Dewan. 7/5 7.5.

43 Fair draft of the D.F.N please 6/5/43

(44) Fair draft of the D.F.N Asstt 6/5

(45) Minister Education) 6.5.43

(46) 7/5

WD 1140—GPB—50,000—5-11-42

Final Note by the Minister for Education.

Subject.— Promulgation of the War Risks (Factories) Insurance (Amendment) Act, 1943.

(48) With the gracious assent of His Highness on the 7th January 1943, the War Risks (Factories) Insurance Emergency Act was passed into law and has since been published as Act VI of 1943.

(49) The Government of India have effected certain amendments to their act and have requested this Government to take necessary action to enact the amending legislation on the lines indicated by them.

(50) It is considered that there may not be any need to issue the amending enactment as an emergency measure, the conditions here being different from those in certain parts of British India, which are exposed to greater danger. It is, therefore, proposed to adopt the amendments as in the draft bill placed in the file and to proceed with the same in the usual course in the Representative Assembly and the Legislative Council at their ensuing session, obtaining however, the gracious permission of His Highness to promulgate the bill as an emergency measure, if need should arise.

Para 26 of N.C.

(51) The Dewan and the other Ministers have agreed to the above proposal. The gracious sanction of His Highness is solicited thereto.

Para 27 & Flag A

Bangalore,
Dated, 7th May 1943.

Minister for Education.

Submitted to His Highness.

(Sd) I submit herewith for His Highness's gracious sanction a Final Note by the Minister for Education on the subject of the proposal to promulgate, as an emergency measure, the War Risks (Factories) Insurance (Amendment) Bill, 1943, should need arise.

N Madhava Rau

DEWAN.

Bangalore,
8th May 1943.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposal to promulgate as an emergency measure the War Risks (Factories) Insuran (Amendment) Bill, 1943.

Order.

10/5/'43.

Chief Secy
Secy
12/5/43
12/5/43

C.S.O.1

General and Revenue Secretariat.

(54) C103

SUBJECT:—

Proposal to promulgate as an emergency measure the War Risks (Factories) Insurance (Amendment) Bill, 1943.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

W. Doraiyaswamy
Chief Secretary to Government.
12/5/43

Through the Secretary to Government,

Development....Department.

Cr. 17/5

9663 / 12.5.43 — Minister for Revenue and Law. 13.5

6644 / 17.5 — Minister for Public Works. 18.5

9477 / 13/5 — Minister for Local Self-Govt. and Public Health. 16.5.43

470 / 20.5.43 — Minister for Industries and Commerce. 21/5

664 / 13/5 — Minister for Education. 13/5

NOTE.--Contn. sheet

WD 02718—GPB—500—21-4-43

Dep Secy (Comm) 23/5/43 Cr. 24/5

War Risks (Factories) Insurance (amendment) Bill

4541

Continuation Sheet. 9/2 File No. / Current No. 68 of 92 Page.

(55) If appd. the file may now be sent to the Legs. Secy (in connection with the R.A.) for necessary action & return of the file after dissolution

9/3
25/5

Asst Secy (Legn) (56) 25/5/43

25.5.43

OFFICE OF THE
7 JUNE 1943
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

L.C. Office for taking further action

5/6/43.

Supd

(57) The principles of the Bill were placed before the R.A at the Recent Budget Session and after were approved by the House.

File No 688/RL

(58) Orders of the Dewan have been obtained to publish the Bill and the Statement of Objects and Reasons in the Gazette under Rule 3 of the Mysore Legislative Rules 1941

To the complete Mysore Gazette
Issued No RL 1104 dated 7th June 1943
Directs the publication of the Bill and the Statement of objects and Reasons in part IV of the Gazette

Orders have also been obtained to include the following motions in respect of the legislative Business to be transacted at the ensuing Budget Session of the L.C.

The War Risks (Factories) Insurance (Amendment) Bill

Continuation Sheet. | File No. 498/N. | Current No. | of | Page.

in the name of the Minister for Education:-

1. The Minister for Education to introduce the War Risks (Factories) Insurance (Amendment) Bill.

2. Also to move that the Bill be taken into consideration by the Council.

3. Also to move that the Bill be passed.

JN 14.7.43

Subs

(60) The Bill was introduced in the Legislative council at its recent sitting and passed by it on the 5th July 1943.

(61) A copy of the Bill signed by the president of Legislative council is put up herewith.

B & A N. is put up for approval

JN 14/7/43 BVM 14/7

(62) D. Proc. submitted for approval

Secy to Govt Law Dept 14.7.43

(63) BVR 14-7-43

Law Secy

(64) Submitted

15-7-43

Approved

BVR 15.7.43

D.N. placed in the file (65)

15/7

A & S.N. is submitted for approval

JN 16/7/43 BVM

Secy to Govt Law Dept 16.7.43

OFFICE OF THE MINISTER FOR EDUCATION
Date 15/7/43
No. 261

SECY. LAW DEPT. 16 JUL 1943 GOVT OF MYSORE

Final Note by the Minister for Education.

Subject.— Promulgation of War Risks (Factories) Insurance (Amendment) Bill.

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69 The gracious approval of His Highness was accorded on the 10th of May 1943 to place the War Risks (Factories) Insurance (Amendment) Bill before the Representative Assembly and the Legislative Council. The Bill was placed before the Assembly during its session in June this year and was approved by that Chamber. The Bill was thereafter introduced in the Legislative Council during its recent Budget session and passed by it.

70 A copy of the Bill as passed in the Council and signed by the President under Standing Order 44 of the Mysore Legislative Council Standing Orders is submitted herewith.

71 I solicit the gracious sanction of His Highness to promulgate the Bill into law.

T. Ramagowda

Bangalore,)
Dated, 15th July 1943.)

Minister for Education.

Submitted to His Highness.

72 I submit herewith a Final Note by the Minister for Education on the subject of the promulgation into law of the War Risks (Factories) Insurance (Amendment) Bill, for His Highness's gracious sanction.

N. Madhava Rau

Bangalore,
16th July 1943.

D E W A N.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposal to promulgate into law the War Risks (Factories) Insurance (Amendment) Bill.

No. 43

Order.

25/7/'43.

General and Revenue Secretariat.

498/M C168

SUBJECT:—

Proposal to promulgate into law the War Risks (Factories) Insurance (Amendment) Bill

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders ~~before~~/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

Chief Secretary to Government.
29/7/43

Through the Secretary to Government,

.....L. & W. Department.

Cur. 30-7-43

609. 2/8 Minister for Revenue and Law. 3/8/43

750 4/8 Minister for Public Works. 4.8

1038 5/8 Minister for Local Self-Govt. and Public Health. 5.8.43

652 6.8.43 Minister for Industries and ~~xxxxxx~~ Supplies. 11/8

(74) 536 30/7. Minister for Education. (may be issued on receipt) 30/7

Cur. 30-7-43

Mr. V.

NOTE.—Contn. sheet

WD 02718—GPB—500—21-4-43

Law Secy a/c

Cur. 2/3.4 12/8/43

30.7.43

The War Risks (Factories) Insurance (Amendment) Act 1943

Continuation Sheet. | File No. / Current No. 498-RL | of | Page. 4541

(75) The gracious assent of His Highness was accorded on the 25th July 1943 to promulgate the Bill into law

(76) A draft G.O. directing the publication of the Act as Act No XXIII of 1943 is submitted for approval

2W 31/7/43 BVN 31/7

Secy (7) BVN 31.7.43
Dy. Le

(7) BXR 1.8.43

Law Secy

(79) Ale 31-7-43

(80) Dy Sec BXR 31.7.43

To the compiler, Mysore Gazette
No RL 139 Legis 2-43-1 dated 2-8-43
orders the publication of the Act in the Gazette

81 Kind reference is invited to the minutes of the Minister for Education at para 74 of the notes supra

82 The file is resubmitted as per orders thereon

2W 2-8-43 BVN 2/8. Supt

BVN 2-8-43

(C.B.)

The file is returned from C.D. after circulation 2W 25/8/43

83 The Act has been published in part IV of the Mysore Gazette dated 5th Aug 1943

84 Dy Sec Branch to note and return the file to this Office

2W 27/8/43 BVN 27/8

Dy Sec Branch

87 Dy Secy

28/8

88 28/8/43

85 Legis 43/42-11 dis linked for number and No. 372 Dy No. 31/8/43

SECY. LAW DEPT. 1091 31/7/43 GOVT OF MYSORE

By The file may be returned to Legislative Office after noting in the file Regr & Secy.

Jh
8/11

Feb Regr Secy

8/11

Legislative

10/11

OFFICE OF THE SECRETARY
MR T.V.
1943
REPRESENTATIVE ASSEMBLY
LEGISLATIVE COUNCIL

A
Jh
12/11/43

OFFICE OF THE SECRETARY
12 NOV 1943
REPRESENTATIVE ASSEMBLY
LEGISLATIVE COUNCIL

WD 01809—GPB—60,000—26-1-43

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

Fl 263
20-7-42

To

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
BANGALORE.

MEMORANDUM No. F-89-40(3)/W. (e-e2)

Dated Bangalore, the 18th July *1942*.

WAR RISKS(FACTORIES) INSURANCE.

Reference memorandum from this Residency No.F. 89-40(3)/W, dated the 14th July 1942.

2. A copy each of the Gazette of India Extraordinary dated the 1st July 1942 containing the War Risks(Factories) Insurance (Amendment) Ordinance, 1942, and of Government of India, Commerce Department, notification No.20-W.R.I.(F)/42, dated the 20th June 1942, is enclosed for information.

for SECRETARY TO THE RESIDENT.

ksv.

REGISTERED No. L. 3131

The Gazette of India

EXTRAORDINARY

PUBLISHED BY AUTHORITY

NEW DELHI, WEDNESDAY, JULY 1, 1942

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

New Delhi, the 1st July, 1942

ORDINANCE No. XXXII OF 1942

AN

ORDINANCE

to amend the War Risks (Factories) Insurance Ordinance, 1942.

WHEREAS an emergency has arisen which makes it necessary to amend the War Risks (Factories) Insurance Ordinance, 1942, for the purposes hereinafter appearing ;

Ord. XII of 1942.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

26 Geo. 5, c. 2.

1. (*1*) This Ordinance may be called the War Risks (Factories) Insurance (Amendment) Ordinance, 1942. Short title and commencement.

(*2*) It shall come into force at once.

2. In the long title and preamble of the War Risks (Factories) Insurance Ordinance, 1942 (hereinafter referred to as the said Ordinance), the words " in British India " shall be omitted. Amendment of long title and preamble, Ord. XII of 1942.

Ord. XII of 1942.

3. In section 2 of the said Ordinance, after clause (*i*) the following clause shall be inserted, namely :— Amendment of section 2, Ord. XII of 1942.

"(*ii*) ' quarter ' means a period of three months commencing on the first day of March, June, September or December ; "

4. In section 3 of the said Ordinance,— Amendment of section 3, Ord. XII of 1942.

(*a*) in sub-section (*3*), the words " in British India " shall be omitted ;

(*b*) in sub-clause (*ii*) of clause (*b*) of sub-section (*5*), the word " current " shall be omitted ;

(*c*) in clause (*a*) of sub-section (*6*), for the words " factories established " the words " premises becoming factories " shall be substituted.

[*Price 1 anna*]

Amendment of section 5, Ord. XII of 1942.

5. In sub-section (*1*) of section 5 of the said Ordinance, after the words " by notification in the official Gazette " the following shall be inserted, namely :—

~~after that date or in a case to which~~ section (*2*) refers, before the commencement of the quarter next following that in which the premises become a factory, or as the case may be, in which the reconstruction of the factory is completed, or before the expiry of seven days from the commencement of the War Risks (Factories) Insurance (Amendment) Ordinance, 1942, whichever is later, "

Amendment of section 7, Ord. XII of 1942.

6. In sub-section (*1*) of section 7 of the said Ordinance, after the word and figure " section 12 " the following shall be inserted, namely :—

" or under any provision of law corresponding thereto in force in an Indian State, or in the French Establishments in India, or in the territories (hereinafter referred to as Administered Areas) set out in the Schedule,"

Amendment of section 15, Ord. XII of 1942.

7. In clause (*b*) of sub-section (*2*) of section 15 of the said Ordinance, for the word " Act " the word " Ordinance " shall be substituted.

Amendment of section 16, Ord. XII of 1942.

8. In sub-section (*1*) of section 16 of the said Ordinance,—

(*a*) in clause (*b*) the word " or " shall be omitted;

(*b*) after clause (*c*) the following clause shall be inserted, namely :—

" (*d*) the whole or a specified part of the sluice houses, valve houses, water-pipe lines, penstocks and any other plant and machinery pertaining to the intake of hydraulic power of hydro-electric supply undertakings generally, or of specified hydro-electric supply undertakings, ".

Addition of new section to Ord. XII of 1942.

9. After section 16 of the said Ordinance the following section shall be added, namely :—

Application of the scheme to property in certain territories outside British India.

" 17. (*1*) If the Central Government is satisfied that by the law of an Indian State or of the French Establishments in India or of the Administered Areas provision has been made substantially corresponding to the provision made by this Ordinance requiring the owners or occupiers of factories in that State or those Establishments or the Administered Areas, as the case may be, to take out policies of insurance against war risks, the Central Government may, by notification in the official Gazette, declare that this section shall apply to the territory of that State or of those Establishments or comprising the Administered Areas.

(*2*) On the application of this section to any territory, the Scheme made under this Ordinance shall extend to the undertaking by the Central Government in respect of persons and property in such territory of the same liabilities, in the same manner, to the same extent and subject to the same conditions, as if the persons and property concerned were in British India.

(*3*) On the application of this section to any territory, the provisions of section 6 shall be deemed to prohibit any person, except as a person authorised by the Central Government as their agent to issue policies in pursuance of the Scheme, from carrying on after the date of the notification by which this section is applied the business of insuring factories in that territory against war risks in respect of property insurable under this Ordinance.

(*4*) The references to factories in this section shall be construed as references to premises which, if they were situated in British India, would be factories as defined in this Ordinance. "

10. To the said Ordinance the following Schedule shall be added, namely :— Addition of Schedule to Ord. XII of 1942.

(*See* section 7.)

1. The Cantonment of Baroda.

2. The administered areas in the Western India States Agency specified in the Western India States Administered Areas (Application of Laws) Order, 1937.

3. The administered areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order, 1937.

4. The Gwalior Residency Area

5. The District of Abu.

6. The administered areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937.

7. The Civil and Military Station of Bangalore.

8. The Kolhapur Residency Area and the Wadi Jaghir.

9. The railway lands in the Western India States Agency specified in the notifications of the Political Department, Nos. 189-I.B. and 190-I.B., dated the 8th September 1937.

10. The Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.

11. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939.

12. The Thana Circles in the Rewa Kantha Agency in the Gujarat States Agency and the Dangs.

13. The British Reserve in Manipur."

LINLITHGOW,
and Governor General.

G. H. SPENCE,
Secy. to the Govt. of India

DEPARTMENT OF COMMERCE

NOTIFICATION

WAR RISKS INSURANCE

New Delhi, the 20th June 1942

No. 20-w.R.I. (F)/42.—In pursuance of sub-section (2) of section 6 of the War Risks (Factories) Insurance Ordinance, 1942 (No. XII of 1942), the Central Government is pleased to authorise every person to whom a claim is sent under sub-rule (2) of rule 14 of the War Risks (Factories) Insurance Rules, 1942, for verification, to exercise the powers under sub-section (1) of section 8 of the said Ordinance for the purpose of investigating the insurable value of, or estimating the damage caused to, the property in respect of which the claim is made.

S. R. ZAMAN,
Addl. Dy. Secy. to the Govt. of India.

No. 45-W. R. I.-(1)/42.

Copy forwarded to :—
All Provincial Governments.
All Chief Commissioners.
All Departments of the Government of India (including the Military Finance, Defence Co-ordination and the Supply Department) and the Political Department.
The Central Board of Revenue.
The Private Secretary to H. E. the Viceroy; Secretary to the Governor-General's Executive Council.
The D. G., C. I. and S., Calcutta.
The Bombay Insurance Associations, 6, Rampart Row, Bombay.
The Indian Insurance Companies Association, 402-A, Clive Street, Calcutta.
The Madras Fire Insurance Association, 2—6, Second Line Beach, Madras.
The Calcutta Insurance Association, Royal Exchange, Calcutta.
The Indian Insurance Companies Association, Industrial Assurance Buildings, Church Gate, Bombay.
The Secretary, Economic Resources Board.
The Economic Adviser to the Government of India.
The Indian Government Trade Commissioners, Mombasa, New York, Alexandria and Toronto.
The Indian Trade Agent, Kabul.
The Canadian Government Trade Comm[illegible], Calcutta.
The American Consulate General, Calcutta.
The Consul-General for the U. S. A., Calcutta.
The Royal Consulate General of Egypt, Bombay.
The Netherlands Consul-General, Simla.
His Majesty's Trade Commissioners in India, Calcutta and Bombay.
The Chief Censor.
The Director, Federation of British Indu[illegible]m.
The Federation of Indian Chambers of Commerce and Industry.
The Associated Chambers of Commerce of India.
All recognised Chambers of Commerce and Associations in India.
The East India Cotton Association, Ltd.
The Deputy Controller, Reserve Bank of India, Bombay.
The Special Officers, War Risks Insurance.
The Auditor General of India.
The Accountants General, Bombay, Madras, Bengal and Central Revenues.
The Secretary, Economic and Overseas Department, India Office, Whitehall, London.
The Secretary, War Risks Insurance Advisory Committee, 6, Rampart Row, Fort, Bombay.

By order, etc.,

B. N. BANERJI,
for *Addl. Dy. Secy. to the Govt. of India.*

GIPD—L183CD—29-6-42—1,000.

REGISTERED No. L. 3131

The Gazette of India

EXTRAORDINARY

PUBLISHED BY AUTHORITY

NEW DELHI, WEDNESDAY, JANUARY 27, 1943

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

New Delhi, the 27th January, 1943

ORDINANCE No. VII OF 1943.

AN

ORDINANCE

further to amend the Civil Pioneer Force Ordinance, 1942.

WHEREAS an emergency has arisen which makes it necessary to correct an error occurring in the Civil Pioneer Force Ordinance, 1942 ;

X of 1942.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

26 Geo. 5, c. 2.

Short title and commencement.

1. (*1*) This Ordinance may be called the Civil Pioneer Force (Amendment) Ordinance, 1943.

(*2*) It shall come into force at once.

Amendment of section 17, Ord. X of 1942.

2. In sub-section (*6*) of section 17 of the Civil Pioneer Force Ordinance, 1942, for the words and figures "the Code of Civil Procedure, 1908," the words and figures "the Code of Criminal Procedure, 1898," shall be substituted.

X of 1942.
V of 1908.
V of 1898.

LINLITHGOW,
Viceroy and Governor General.

Price 1 anna.

ORDINANCE No. VIII OF 1943.

AN

ORDINANCE

further to amend the War Risks (Goods) Insurance Ordinance, 1940.

WHEREAS an emergency has arisen which makes it necessary further to amend the War Risks (Goods) Insurance Ordinance, 1940, for the purposes hereinafter appearing; IX of 1940.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:— 26 Geo. 5. c. 2.

Short title and commencement.

1. (*1*) This Ordinance may be called the War Risks (Goods) Insurance (Amendment) Ordinance, 1943.

(*2*) It shall come into force at once.

Amendment of section 3, Ord. IX of 1940.

2. In section 3 of the War Risks (Goods) Insurance Ordinance, 1940 (hereinafter referred to as the said Ordinance), IX of 1940.

(*a*) in clauses (*a*) and (*b*) of sub-section (*1*), the words " or in that part of the territory of the State of Cochin which lies within the port limits of the Port of Cochin and the municipal limits of the Municipal Committees of Ernakulam and Muttancheri " shall be omitted;

(*b*) in sub-section (*2*), the words, brackets and figure " or in that part of the territory of the State of Cochin referred to in sub-section (*1*) " shall be omitted.

Amendment of section 5, Ord. IX of 1940.

3. In sub-section (*1A*) of section 5 of the said Ordinance,—

(*a*) the words, brackets and figures " or in that part of the territory of the State of Cochin referred to in sub-section (*1*) of section 3 " where they occur in sub-clause (*i*) and sub-clause (*ii*) of clause (*b*) and in clause (*c*), shall be omitted;

(*b*) in clause (*c*) for the words " being shipped out of India " the words " such export " shall be substituted; and

(*c*) after clause (*c*), the following clause shall be added, namely:—

(*d*) to the undertaking by the Central Government, in relation to any person carrying

on business in British India as a seller of goods, of the liability of insuring such a person against war risks in respect of goods imported into British India through any port on the Continent of India, while such goods are situated at such port or are in transit from such port to a place in British India."

Insertion of new section 7 in Ord. IX of 1940.

4. After section 7 of the said Ordinance, the following section shall be inserted, namely :—

Recovery of premiums unpaid.

"7A. (*1*) Without prejudice to the provisions of sub-section (*2*) of section 7, where any person has failed to insure as, or to the full amount, required by this Ordinance, and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Central Government may determine the amount payment of which has been so evaded. The amount so determined shall be payable by such person and shall be recoverable from him as an arrear of land-revenue and shall be a first charge on the property in respect of which the default was made.

(*2*) A person against whom a determination is made under sub-section (*1*) may, within the prescribed period, appeal against such determination to the Central Government whose decision shall be final."

Amendment of section 9, Ord. IX of 1940.

5. In sub-section (*1*) of section 9 of the said Ordinance, after the words "set out in the Schedule" the following words and figures shall be inserted, namely :—

V of 1898.

"or ordered to be paid under section 545 of the Code of Criminal Procedure, 1898, in any prosecution under this Ordinance,".

Amendment of section 10, Ord. IX of 1940.

6. In sub-section (*1*) of section 10 of the said Ordinance, for the words "any person has insured any goods against war risks, and, if so, for what value" the words "the requirements of this Ordinance have been complied with" shall be substituted.

Amendment of section 11, Ord. IX of 1940.

7. Section 11 of the said Ordinance shall be renumbered as sub-section (*1*) of that section and the following sub-sections shall be added, namely :—

"(*2*) In any other case the Central Government may, at its discretion, order a refund to be made of any sum paid or purporting to have been paid as premium in respect of any policy issued or purporting to have been issued under this Ordinance.

(*3*) On and after the 1st day of October, 1940, no suit shall be maintainable in any civil court against the Central Government or

a person acting as agent of the Central Government under section 6 for the refund of money paid or purporting to have been paid as premium in respect of any policy issued or purporting to have been issued under this Ordinance "

Amendment of section 14, Ord. IX of 1940.

8. In sub-section (*2*) of section 14 of the said Ordinance, after clause (*d*) the following clause shall be inserted, namely :—

" (*dd*) the procedure in making determinations and in presenting appeals from determinations made under section 7A ; ".

LINLITHGOW,
Viceroy and Governor General.

ORDINANCE No. IX OF 1943.

AN

ORDINANCE

further to amend the War Risks (Factories) Insurance Ordinance, 1942.

WHEREAS an emergency has arisen which makes it necessary further to amend the War Risks (Factories) Insurance Ordinance, 1942, for the purposes hereinafter appearing ; XII of 1942.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :— 16 Geo. 5, c. 2.

Short title and commencement.

1. (*1*) This Ordinance may be called the War Risks (Factories) Insurance (Amendment) Ordinance, 1943.

(*2*) It shall come into force at once.

Amendment of section 2, Ord. XII of 1942.

2. In section 2 of the War Risks (Factories) Insurance Ordinance, 1942 (hereinafter referred to as the said Ordinance), XII of 1942.

(*a*) to clause (*a*) the words " and boundary walls " shall be added ;

(*b*) for clause (*i*) the following clause shall be substituted, namely :—

" (*i*) ' property insurable under this Ordinance ' means, in relation to any factory, the factory buildings and, except where they are for the time being goods insurable under the War Risks (Goods) Insurance Ordinance, 1940, IX of 1940. all plant and machinery in the factory, all materials in the factory for use in the production or transmission of motive power,

or in the maintenance of plant and machinery or in the construction or reconstruction or maintenance of factory buildings, and such other plant, machinery or materials as may be prescribed ".

Amendment of section 3, Ord XII of 1942.

3. In section 3 of the said Ordinance,—

(*a*) in sub-section (*4*), for clause (*b*) the following clause shall be substituted, namely :—

"(*b*) that in respect of each claim the insured shall bear twenty per cent. of the loss or damage, or such other amount as may be fixed, with reference to the insurable value of the property insurable, in accordance with the prescribed scale, whichever is the greater "

(*b*) in sub-section (*5*),—

(*i*) for clause (*a*) the following clause shall be substituted, namely :—

" (*a*) for undertaking in relation to works in course of construction which, when completed, will become factories, and such plant and machinery appertaining to such works as may be prescribed, the same liabilities as are undertaken by the Scheme in relation to factories "

(*ii*) for clause (*c*) the following clause shall be substituted, namely :—

" (*c*) that payments due under a policy of insurance issued at any time on or after the 28th day of May, 1942, under the Scheme may be postponed to any time before the expiry of one year from the date of the termination of the present hostilities, or, subject to payment of interest at the rate of two per cent. per annum from the expiry of the said year, to any later date " ;

(*c*) in sub-section (*6*), after clause (*c*), the following clause shall be added, namely :—

" (*d*) works in course of construction (whether construction was begun before or after the nauguration of the Scheme) which, when completed, will become factories, and subsequent additions to such works. "

Amendment of section 5, Ord. XII of 1942.

4. In section 5 of the said Ordinance,—

(*a*) in sub-section (*1*),—

(*i*) after the words " becoming a factory ", the following shall be inserted, namely :—

" or property becoming property insurable under this Ordinance " ;

(*ii*) after the words " become a factory ", the following shall be inserted, namely :—

" or the property becomes insurable under this Ordinance " ;

(b) to sub-section (4) the following words shall be added, namely :—

"and such punishment shall be without prejudice to any other penalty or liability incurred in consequence of such contravention or failure".

(c) after sub-section (4), the following sub-section shall be added, namely :—

"(5) Where any offence under sub-section (4) is tried by a Presidency-magistrate or a Magistrate of the first class, then, notwithstanding anything contained in the Code of Criminal Procedure, 1898, the Magistrate trying the offence may pass any sentence authorised by that sub-section." V of 1898.

Amendment of section 7, Ord. XII of 1942.

5. In sub-section (1) of section 7 of the said Ordinance, after the word "Schedule", the words and figures "or by way of expenses or compensation awarded by a Court, under section 545 of the Code of Criminal Procedure, 1898, out of any fine imposed under this Ordinance" shall be inserted. V of 1898.

Amendment of section 8, Ord. XII of 1942.

6. For sub-section (1) of section 8 of the said Ordinance the following sub-section shall be substituted, namely :—

"(1) Any person authorised in this behalf by the ~~Central~~ Government may, for the purpose of ascertaining whether or not the owner or occupier of any property required to be insured under this Ordinance has taken out a policy of insurance as required by this Ordinance in respect of such property, or for the purpose of investigating the insurable value of any property insured, or required to be insured, or proposed for insurance under this Ordinance, or for the purpose of estimating the damage suffered by any property insured under this Ordinance,—

(a) require the owner or occupier of the property, or any person carrying on in British India the business of fire insurance in respect of the property, to submit to him such accounts, books or other documents, or to furnish to him such information as he may reasonably think necessary, or

(b) at any reasonable time enter any premises comprising or containing the property, inspect such premises or property, and require any person found on such premises whom he believes to be in possession of information relevant to his investigation, to furnish to him such information as he may reasonably think necessary."

Substitution of new section for section 10, Ord. XII of 1942.

7. For section 10 of the said Ordinance the following shall be substituted, namely :—

Recovery of premiums unpaid.

"10. (*1*) Without prejudice to the provisions of sub-section (*4*) of section 5, where any person has failed to insure as, or to the full amount required by this Ordinance, and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Central Government may determine the amount payment of which has been so evaded and the amount so determined shall be payable by such person and shall be recoverable from him as provided in sub-section (*2*).

(*2*) Any instalment of premium due on a policy of insurance issued under the Scheme, and any amount determined as payable under sub-section (*1*) shall be recoverable as an arrear of land-revenue and shall be a first charge on the property in respect of which the default was made.

(*3*) A person against whom a determination is made under sub-section (*1*) may, within the prescribed period, appeal against such determination to the Central Government whose decision shall be final."

Addition of new sub-section to section 13, Ord. XII of 1942.

8. Section 13 of the said Ordinance shall be re-numbered as sub-section (*1*) of that section and the following sub-section shall be added, namely :—

"(*2*) On and after the 29th day of May, 1942, no suit shall be maintainable in any civil court against the Central Government, or a person acting as its agent under section 4, for the refund of any money paid or purporting to have been paid as premium on a policy of insurance taken out or purporting to have been taken out under this Ordinance."

Amendment of section 14, Ord. XII of 1942.

9. (*1*) Section 14 of the said Ordinance shall be re-numbered as sub-section (*1*) of that section and in the section as so re-numbered for the words beginning with "from the provisions of section 5" and ending with the end of the section the following words shall be substituted, namely :—

"from the provisions of this Ordinance requiring such factories or premises to be insured or to continue to be insured under this Ordinance; but such exemption shall not prejudice the infliction of any penalty or the accrual of any liability incurred before the date on which the exemption takes effect."

(*2*) To the said section as so re-numbered by the foregoing sub-section the following sub-section shall be added, namely :—

"(*2*) In granting any exemption under this section the Central Government may direct that the

exemption shall take effect or be deemed to have taken effect on a specified date after or before the date of the notification. "

Amendment of section 15, Ord. XII of 1942.

10. In sub-section (*2*) of section 15 of the said Ordinance,—

(*a*) in clause (*b*) for the word " properly " the word " property " shall be substituted;

(*b*) after clause (*f*), the following clause shall be added, namely :—

" (*g*) prescribe the procedure in making determinations and in presenting appeals from determinations made under section 10. "

Amendment of section 16, Ord. XII of 1942.

11. In section 16 of the said Ordinance,—

(*a*) for clause (*a*) of sub-section (*1*), the following clause shall be substituted, namely :—

" (*a*) the plant and machinery, whether above or below ground, appertaining to mines as defined in the Indian Mines Act, 1923, buildings appertaining to mines and within a radius of two miles from the mine excavation and, in relation to such plant, machinery and buildings, such materials above ground as would if the mine were a factory, be included in the term " property insurable under this Ordinance ";

IV of 1923.

(*b*) in sub-section (*2*), for the words " to the manager of a mine for the purposes of the Indian Mines Act, 1923, " the following shall be substituted, namely :—

IV of 1923.

" to the agent of a mine as defined in that Act; and in interpreting this Ordinance as applied by notification under any of the clauses of sub-section (*1*) ' property insurable under this Ordinance ' shall be interpreted as meaning all property to which the Scheme is by the said notification declared to apply. "

Addition of new section 18 to Ord. XII of 1942.

12. After section 17 of the said Ordinance, the following section shall be added, namely :—

Refund of insurance premiums.

" 18. The Central Government may, in any case in which it thinks fit, allow a refund to be made of any sum paid by way of premium on a policy of insurance issued or purporting to have been issued under this Ordinance. "

LINLITHGOW,
Viceroy and Governor General.

G. H. SPENCE,
Secy. to the Govt. of India.

PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI.

No. 117-W.R.I.(2)/43.
Government of India
Department of Commerce

New Delhi, the 20th February 1943.

From

S. R. Zaman, Esquire, I.C.S.,
Joint Secretary to the Government of India

To

List attached + All participating Indian States.

Subject:- Insurance of factories against war risks.

Sir,

I am directed to say that the War Risks (Factories) Insurance Ordinance, 1942 of the Government of India has been amended by the War Risks (Factories) Insurance (Amendment) Ordinance, 1943 (No.IX of 1943), which was published in the Gazette of India Extra-ordinary, dated the 27th January 1943. A copy of a statement showing what modifications have been considered necessary to adapt the Amendment Ordinance, which has been sent to you already, suitable for issue by the State as their amending legislation is forwarded herewith and I am to request that if the State sees no objection, early steps may please be taken to enact the necessary amending legislation on the lines indicated in the statement.

2. Five copies of the amending legislation may please be forwarded .....

Annexure.

Adaptation of the War Risks(Factories) Insurance (Amendment) Ordinance, 1943 (No.IX of 1943), for Indian States.

I. General changes. In all sections of the amending Ordinance that are retained, the following general changes will be necessary:-

(1) Substitute references to "British India" by references to the "State concerned".

(2) Substitute references to the "Central Government" by references to the "Ruler" or the "Government" of the State concerned.

(3) Substitute references to the "Ordinance" wherever necessary, by references to the "Law" or "Act" or "Order" or "Regulation" or Proclamation" as the case may be.

(4) References to numbers of "sections", "sub-sections" or "clauses" to be suitably altered, wherever necessary, to correspond to "sections", "sub-sections" of "clauses" of the main enactment of the State in respect of the insurance of factories against war risks.

II. The following are the details of the section-wise changes in the amending Ordinance to make it suitable for the Indian States. (The references below on the margin are to the preamable or section of the amending Ordinance of 1943 (No. IX of 1943):-

Preamble. To be suitably modified.

Section 1. Only the general changes as indicated in para I above.

Section 2. In addition to the general changes indicated in para I above, the following changes will be necessary:-

clause (b). For "the War Risks (Goods) Insurance Ordinance, 1940," substitute the corresponding State legislation. In the case of those States where such a legislation has not been enacted, substitute "the Government of India's War Risks (Goods) Insurance Ordinance, 1940"

Section 3. The State need not enact this.

Section 4. clauses (a) and (b). No change except the general changes indicated in para I above.
clause (c). The following may be added as sub-section (5):- "(5) Where any offence under sub-section (4) is tried by a magistrate competent to try such offence, then, notwithstanding anything contained in any other law of the State, the magistrate trying the offence may pass any sentence authorised by that sub-section."

Section 5. The State need not enact this.

Sections 6 and 7. Only the general changes indicated in para I above.

Section 8. The State need not enact this.

Section 9. Only the general changes indicated in para I above.

Sections 10, 11, and 12. The State need not enact these sections.

'S.M.Ali' Hameed.
"55-17-2-43-D"

ORDINANCE NO. XII OF 1942.

An Ordinance to provide for the insurance of certain property against war risks.

WHEREAS an emergency has arisen which makes it necessary to provide for the insurance of certain property in British India against war risks;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:-

26 Geo.5,c. 2

1. (1) This Ordinance may be called the War Risks (Factories) Insurance Ordinance, 1942. Short title, extent and commencement

(2) It extends to the whole of British India.

(3) It shall come into force at once.

2. In this Ordinance, unless there is anything repugnant in the subject or context,- Definitions.

(a) "buildings" includes foundations, plinths, boiler beds, chimneys and flues and boundary walls;

XXV of 1934.

(b) "factory" means a factory as defined in use (j) of section 2 of the Factories Act, 1934, and includes any premises including the precincts thereof which having at any time after the 31st day of December, 1938, been a factory as defined in clause (j) of section 2 of the said Act, have not been exempted under section 14 from the provisions of section 5 of this Ordinance;

(c) "factory buildings" includes all buildings

comprised in the factory, and such other buildings (including residential buildings for staff and workmen, hospitals and welfare centres) within a radius of two miles from the main factory building as are in the same ownership or occupation as the factory and are used for the purposes of the factory;

(d) "the Fund" means the War Risks (Factories) Insurance Fund constituted under section 7;

(e) "insurable value" of property means the value of the property as ascertained for the purposes of insurance under this Ordinance;

(f) "occupier" of a factory has the meaning assigned to the word in clause (1) of section 2 of the Factories Act, 1934; XXV of 1934

(g) "owner" of a factory includes, when parts of the property insurable under this Ordinance in relation to the factory are owned by different persons, each such person in respect of the part owned by him;

(h) "prescribed" means prescribed by rules made under this Ordinance;

(i) "property insurable under this Ordinance" means in relation to any factory, the factory buildings and except where they are for the time being goods insurable under the War Risks (Goods) Insurance Ordinance, 1940, all plant and machinery in the factory, all materials in the factory for use in the production or transmission of motive power in the maintenance of plant and machinery or in the construction or reconstruction or maintenance of factory buildings and such other plant, machinery or materials as may be prescribed;

(ii) "Quarter" means a period of three months commencing on the first day of March, June, September or December.

(j) "the Scheme" means the War Risks (Factories) Insurance Scheme referred to in sub-section (1) of section 3;

(k) "war risks" means such risks arising from---

(i) action taken by an enemy or action taken in combating an enemy or in repelling an imagined attack by an enemy,

(ii) measures taken under proper authority to avoid the spreading of, or otherwise to mitigate, the consequences of damage occurring (whethe accidentally or not) as the direct result of any such action as aforesaid,

(iii) precautionary or preparatory measures taken under proper authority with a view to preventing or hindering the carrying out of any attack by an enemy, being measures involving risk to property,

(iv) precautionary or preparatory measures involving the doing of work on land and taken under proper authority in any way in anticipation of enemy action, being measures involving risk to property,

(v) precautionary or preparatory measures taken under proper authority with a view to denying facilities to an enemy, being measures involving damage to or diminution of the value of property,

as may be prescribed

3. (1) The

War Risks (Factories) Insurance Scheme.

3. (1) The Central Government may, by notification in the official Gazette, put into operation a scheme to be called the War Risks (Factories) Insurance Scheme, whereby the Central Government undertakes in relation to factories the liabilities of insuring against war risks, to the extent provided by and subject to the provisions of this Ordinance, property insurable under this Ordinance which appertains to a factory.

(2) The Scheme may be such as to provide for the undertaking by the Central Government of its liabilities under the Scheme as from a date anterior to the inauguration of the Scheme, or to the commencement of this Ordinance.

(3) The Scheme may extend to the undertaking by the Central Government in relation to any person of the liability of insuring such person against war risks in respect of any property insurable under this Ordinance which is not owned by him but in which he has an interest, up to the extent of such interest.

(4) The Scheme shall be such as to secure—

(a) that the liability of the Central Government as insurers shall not extend to more than eighty per cent of the insurable value of the property insurable;

(b) that in respect of each claim the insured shall bear twenty per cent of the loss or damage, or such other amount as may be fixed, with reference to the insurable value of the property insurable, in accordance with the prescribed scale, whichever is the greater,

(c) that any liability of the Central Government as insurers under the Scheme is determined by a policy of insurance issued in the prescribed form and in respect of a prescribed period by a person acting on behalf of the Central Government,

(d) that any premium under a policy so issued is payable at such rates as may for the time being be prescribed

(5) The Scheme may provide.-

(a) for undertaking in relation to works in course of construction whidh, when completed, will become factories, and such plant and machinery appertaining to such works as may be prescribed, the same liabilities as are undertaken by the Scheme in relation to factories,

(b) that the payment due under a policy of insurance issued under the Scheme may, at the option of the Central Government, take either of the following forms, namely:-

(i) Payment within the limits of the liability assumed by the Central Government and in such manner and by such instalments as the Central Government may think fit, of the cost necessary to restore the property as far as practicable to the condition in which it existed before the occurrence of the damage, or

(ii) compensation, within the aforesaid limits, for the loss in value, ascertained on the basis of values and prices ruling at the time at which the policy of insurance was taken out, or at which the loss occurred, whichever is less, suffered by the property as a result of the damage, after due allowance has been made for depreciation during the period of insurance cover;

(c) that payments due under a policy of insurance issued at any time on or after the 29th day of May, 1942, under the Scheme may be postponed to any time before the expiry of one year from the date of termination of the present hostilities or subject to payment of interest at the rate of two percent per annum from the expiry of the said year to any later date,

(d) for making it an express or implied condition of

condition of any policy of insurance issued under the Scheme

(i) that the owner or occupier of a factory shall comply with all regulations or instructions made or issued under the authority of Government for safeguarding the property against damage from war risks, or

(ii) that, where the Central Government exercises its option to pay the cost necessary to restore the property to its original condition, the owner of the factory shall, if so required by the Central Government, reconstruct the factory or remove the factory to and reconstruct it in another locality,

(6) Different rates of premium may be prescribed under Sub-section (4) for the purpose of differentiating from other factories and other property insurable under this Ordinance.-

(a) premises becoming factories after the inauguration of the Scheme,

(b) property insurable under this Ordinance which consists of additions made after the inauguration of the Scheme to the property insurable under this Ordinance appertaining to a factory,

(c) property insurable under this Ordinance which consists of restorations or reconstructions of property insurable under this Ordinance which has after the inauguration of the Scheme suffered damage or destruction arising from a war risk

(d) works in course of construction (whether construction was begun before or after the inauguration of the Scheme) which, when completed, will become factories, and subsequent additions to such works,

Employment of agents by the Central Government.

4. The Central Government may employ or authorize the employment of any person or firm to act as its agent for any of the purposes of this Ordinance and may pay to persons or firms so employed such remuneration as the Central Government thinks fit:

Provided that no person or firm shall be so employed unless that person or firm is either --

(a) a member of an association prescribed in this behalf, or

(b) a person who in British India has a standing contract with underwriters who are members of the Society of Lloyd's whereby such person is authorized within the terms of such contract to issue protection notes, cover notes or other documents granting insurance against war risks.

5.(1)Every owner of a factory, except a factory belonging to the Crown or a factory exempted under section 14 from the provisions of this Ordinance, shall by such date as may be specified in this behalf by the Central Government, by notification in the official Gazette, or in respect of premises becomming a factory or Property becomming Property insurable under the ordinance after that date or in a case to which sub-section (2) refers, before the commencement of the quarter next following that in which the premises become a factory or the property becomes insurable under this ordinance or as the case may be, in which the reconstruction of the factory is completed or before the expiry of seven days from the commencement of the War Risks (Factories) Insurance (amended) Ordinance, 1942 whichever is later. take out a policy of insurance against war risks issued in accordance with the Scheme, whereby he is insured in respect of all property insurable under this Ordinance which appertains to the factory for a sum not less than the insurable value of such property:

Provided that, where the owner of the factory is not himself the occupier of the factory, the occupier of the factory shall, unless the owner has already taken out a

policy of insurance as required by this sub-section. himself take out the policy, and in such a case the occupier shall be deemed to act as the agent of the owner and shall be entitled to receive from the owner all sums paid as premiums on the policy.

(2) The obligation imposed by sub-section (1) includes, when the owner of the factory is required by the Central Government to reconstruct a factory which has suffered damage, an obligation to take out an additional policy of insurance as required by the sub-section in respect of the reconstructed factory.

(3) When a factory in respect of which a policy of insurance against war risks has been taken out as required by this section is transferred from one owner to another or there is a change of occupier of the factory, the policy may be transferred to the new owner or occupier, and such new owner or occupier shall succeed to all rights and liabilities under and in relation to the policy as if the policy had been in the first instance taken out by him.

(4) Whoever contravenes the provisions of sub-section (1) or the proviso thereto, or, having taken out a policy of insurance as required by that sub-section, fails to pay any instalment of premium thereon which is subsequently due, shall be punishable with fine which may extend to two thousand rupees and with a further fine which may extend to one thousand rupees for every day after the first on which the contravention or failure continues, and such punishment shall be without prejudice to any other penalty or liability incurred in consequence of such contravention or failure.

(5) Where any offence under sub-section (4) is tried by a Presidency-magistrate or a Magistrate of the first class, then, notwithstanding anything contained in the Code of Criminal Procedure, 1898, the Magistrate trying the offence may pass any sentence authorised by that sub-section.

and out of which shall be paid all sums required for the discharge by the Central Government of any of its liabilities under the Scheme, or for payments by the Central Government under section 9, or for the payment by the Central Government of the remuneration and expenses of agents employed for the purposes of the scheme.

6. (1) After the date on which the Scheme is put into operation, no person shall, except as a person authorized by the Central Government as their agent to issue policies in pursuance of the Scheme, carry on the business of insuring factories in British India against war risks in respect of property insurable under this Ordinance.

Restriction on carrying on certain insurance business.

(2) Whoever, contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to five thousand rupees and with a further fine which may extend to one thousand rupees for every day after the first on which the contravention continues.

War Risks (Factories) Insurance Fund.

7. (1) The Central Government shall establish a fund for the purposes of this Ordinance to be called the War Risks (Factories) Insurance Fund into which shall be paid all sums received by the Central Government by way of insurance premiums under the Scheme or by way of payments made, on composition of offences under section 12, or under any provision of law corresponding thereto in force in an Indian State, or in the French Establishment in India or in the Teritories (hereafter referred to of Administered Areas) set out in the Schedule, or by way of expenses or compensation awarded by a Court, under Section 545 of the Code of criminal Procedure 1898, out of any fine imposed under this Ordinance, (See fly sheet attached)

(2) If at any time when a payment is to be made out of the Fund the sum standing to the credit of the Fund is less than the sum required for the making of that payment, an amount equal to the deficiency shall be paid into the Fund as an advance out of general revenues.

(3) If at any time the amount standing to the credit of the Fund exceeds the sum which, in the opinion of the Central Government, is likely to be required for the making of payments out of the Fund, the excess shall be paid into general revenues.

(4) The Central Government shall prepare in such form and manner as may be prescribed and shall publish either annually, or at such shorter intervals as may be prescribed, an account of all sums received into and paid out of the Fund.

Power of Central Government to obtain information.

8.(1) Any person authorised in this behalf by the Central Government may, for the purpose of ascertaining whether or not the owner or occupier of any property required to be insured under this Ordinance has taken out a policy of insurance as required by this Ordinance in respect of such property, or for the purpose of investigating the insurable value of any property insured or required to be insured or proposed for insurance under this Ordinance, or for the purpose of estimating the damage suffered by any property insured under this Ordinance,-

(a) require the owner or occuper of the property, or any person carrying on in British India the business of fire insurance in respect of the property, to submit to him such accounts, books or other documents, or to furnish to him such information as he may reasonably think necessary, or

(b) at any reasonable time enter any premises comprising or containing the property, in respect such premises or property, and require any person found on such premises whom he believes to be in possession of information relevant to his investigation, to furnish to him such information as he may reasonably think necessary.

(2) Whoever wilfully obstructs any person in the exercise of his powers under this section or fails without reasonable excuse to comply with any request made thereunder shall, in respect of each occasion on which any such obstruction or failure takes place, be punishable with fine which may extend to one thousand rupees.

(3) Whoever, in purporting to comply with his obligations under this section, knowingly or recklessly makes a statement false in a material particular, shall be punishable with fine which may extend to one thousand rupees.

Payments towards cost of removal & reconstruction of Factory.

9. Where the Central Government requires the owner of a factory to remove the factory and to reconstruct it in another locality, the Central Government shall make to such owner out of the Fund such payments, in addition to any sum payable under the policy of insurance, as it considers sufficiently to defray the cost of the removal and, if necessary, the replacement of any part of the property in respect of which no compensation is payable.

Recovery of premiums unpaid.

10(1). Without prejudice to the provisions of sub-section(4) of section 5, where any person has failed to insure as, or to the full amount required by this Ordinance and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Central Government may determine the amount payment of which has been so evaded and the amount so determined shall be payable by such person and shall be recoverable from him as provided in sub section (2).

(2) Any instalment of premium due on a policy of insurance issued under the Scheme, and any amount determined as payable under sub-section (1) shall be recoverable as an arrear of land revenue and shall be a first charge on the property in respect of which the default was made.

(3) A person against whom a determination is made under sub-section (1) may, within the prescribed period, appeal against such determination to the Central Government whose decision shall be final.

Limitation of prosecutions.

11. No prosecution for any offence punishable under this Ordinance shall be instituted against any person except by or with the consent of the Central Government or any authority authorised in this behalf by the Central Government.

Composition of offences.

12. Any offence punishable under sub-section (4) of section 5 may, either before or after the institution of the prosecution be compounded by the Central Government, or by any authority authorised in this behalf by the Central Government, on payment for credit to the Fund of such sum as the Central Government or such authority, as the case may be, thinks fit.

Bar of legal proceedings.

13(1) No suit, prosecutions or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance.

(2) On and after the 29th of May 1942, no suit shall be maintainable in any civil court against the Central Government, or a person acting as its agant under section 4, for the refund of any money paid or purporting to have been paid as premium on a policy of insurance taken out or purporting to have been taken out under this Ordinance.

Power to exempt Factories.

14(1) The Central Government may, by notification in the official Gazette, exempt any factory or any description of factories or any premises including the precincts thereof which have at any time after the 31st day of December 1938, been a factory as defined in clause (j) of section 2 of the Factories Act, 1934, from the provisions of this Ordinance requiring such factories or premises to be insured or to continue to be insured under this Ordinance; but such exemption shall not prejudice the infliction of any penalty or the accrual of any liability incurred before the date on which the exemption takes effect.

(2) In granting any exemption under this section the Central Government may direct that the exemption shall take effect or be deemed to have taken effect on a specified date after or before the date of the notification.

Power to make rules.

15(1) The Central Government may, by notification in the official Gazette, make rules to carry out into effect the provisions of this Ordinance.

2) Without prejudice to the generality of the foregoing power, such rules may-

(a) prescribe the method of ascertaining the value of property for the purposes of insurance under this Ordinance;

(b) prescribe the plant and machinery other than plant nd machinery in the factory which shall be property insurable under this Ordinance;

(c) prescribe the risks which shall be deemed to be war risks for the purposes of clause (k) of section 2;

(d) prescribe the forms of the policies of insurance referred to in clause (c) of sub-section (4) of section 3 and the period ~~of~~ in respect of which such policies shall be issued;

(e) prescribe the associations referred to in clause (a) of the provisio to section 4;

(f) prescribe the form of and the manner of preparing the account referred to in sub-section (4) of Section 7.

(g) prescribe the procedure in making determinations and in presenting appeals from determinations made under section 10.

Power of Central Government to extend ordinance and scheme to certain insurance projects.

16(1) The Central Government may, by order, declare that the provisions of this Ordinance and of the Scheme made thereunder shall apply to the insuring against war risks of-

a) the plant and machinery, whether above or below ground appertaining to mines as defined in the Indian Mines Act 1923, buildings appertaining to mines and within a radius of two miles from the mine excavation and, in relation to such plant, machinery and buildings, such materials above ground as would if the mine were a factory, be included in the term "property insurable under this Ordinance";

b) the whole or a specified part of the distribution systems of gas supply undertakings generally or of specified gas supply undertakings;

c) the whole or a specified part of the distribution and

and transmission systems, sub-stations, switch houses and transformer houses of electric supply undertakings generally or of specified electric supply undertakings, (as they apply to property insurable under this Ordinance which appertains to a factory;)

(d) the whole or a specified part of the sluice houses, valve houses, water pipe lines, penstocks and any other plant and machinery pertaining to the intake of hydraulic power of hydro-electric supply undertakings generally or of specified hydro-electric supply undertakings.

(2) "In interpreting this ordinance as applied by a notification under clause (a) of Sub section (1) to mines, references to the owner of a factory shall be read as references to the owner or agent of a mine as defined in the Indian Mines Act,1923, and references to the occupier of a factory shall be read as references to the agent of a mine as defined in that Act; and in interpreting this Ordinance as applied by Notification under any of the clauses of sub-section (1) "property insurable under this Ordinance" shall be interpreted as meaning all property to which the Scheme is by the said notification delcared to apply".

Addition of new Section to Ord.XII of 1942.

~~9. After section 16 of the said Ordinance the following section shall be added namely:-~~

"17. (1) If the Central Government is satisfied that by the law of an Indian State or of the French Establishments in India or of the Administered Areas provision has been made substantially corresponding to the provision made by this Ordinance requiring the owners or occupiers of factories in that State or those Establishments or the Administered Areas, as the case may be, to take out policies of insurance against war risks, the Central Government may, by Notification in the Official Gazette, declare that this Section shall apply to the territoty of that State or of those Establishments or comprising the Administered Areas.

Application of the scheme to property in certain teeritories outside British India.

(2) On the application of this section to any territory, the Scheme made under this Ordinance shall extend to the undertaking by the Central Government in respect of persons and property in such territory of the same liabilities, in the same manner, to the same extent and subject to the same conditions, as if the persons and property concerned were in British India.

(3) On the application of this section to any territory, the provisions of section 6 shall be deemed to prohibit any person, except as a person authorised by the Central Government as their agent to issue plicies in pursuance of the Scheme, from carrying on after the date of the notification by which this section is applied the business of insuring factories in that territory against war risks in respect of property insurable under this Ordinance.

(4) The references to factories in this section shall be construed as references to premises which, if they were situated in British India, would be factories as defined in this Ordinance."

Addition of schedule to Ord.XII of 1942.

10. To the said Ordinance the following schedule shall be added, namely:-

THE SCHEDULE.
(See Section 7.)

1. The Cantonment of Baroda.

2. The Administered Areas in the Western India States Agency specified in the Western India States Administered Areas (Application of Laws) Order 1937.

3. The administered areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order,1937

4. The Gwalior Residency Areas.

5. The Distrcut xxxx.of Abu.

6. The administered areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) order, 1937.

7.The Civil and Military Station of Bangalore.

8.The Kolhapur Residency Area and the Wadi Jahgir.

9. The railway lands in the Western India States Agency specified in the notifications of the Political Department. Nos.189-I.B.and 190 I.B., dated the 8th September 1937.

10.The Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order,1937.

11. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws),order 1939.

12. The Thana Circles in the Rewa Kantha Agenct in the Gujarat States Agency and the Dangs.

13. The British Reserve in Manipur".

...

"18. The Central Government may, in any case in which it thinks fit, allow a refund to be made of any sum paid by way of premium on a plicy of insurance issued or purporting to have been issued under this Ordinance"

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THE WAR RISKS (FACTORIES) INSURANCE (AMENDMENT) EMERGENCY ACT, 1943.

Statement of Principles.

Two Ordinances (No.XXXII of 1942) and (No.IX of 1943) have been promulgated by the Governor-General amending the War Risks (Factories) Insurance ~~Act~~ Ordinan, 1942. The present Bill is intended to incorporate the main provisions of those Ordinances in our principal Act

Statutory provision has been made under the Bill r the insuring compulsorily by owners of premises which become factories and by owners of property which becomes insurable under the principal Act. A wider definition of "Insurable property" is given s as to include all materials in the factory for use in the production or transmission of motive power ~~and~~ or in the construction of factory buildings, exce where they are, for the time being, goods insurable under the Mysore War Risks (Goods) Insurance Act, 1943. Powers have been conferred upon persons authorised by Government to require any person car ing on the business of fire insurance in respect o the property to submit accounts, books or other do ments. The officers authorised by the Governme are also empowered to determine the amount payable by any person who has failed to insure or has evad the payment of full amount required by the ~~Ordinan~~ Act and such amount shall be recoverable as an arrear land revenue. But ~~the~~ a right to appeal to ~~the~~ Gove ment is also statutorily provided for in favour of a person against whom such determination is made.

The Government are also empowered to grant exemption to factories from the operation of the Act subject to two conditions, namely, that such

The War Risks (Factories) Insurance (Amendment) Emergency Act, 1943.

Whereas it is expedient to amend the War Risks (Factories) Insurance Act, 1943;
It is hereby enacted as follows:—

Whereas the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to take immediate action to amend the War Risks (Factories) Insurance Act, 1943 (Act VI of 1943);

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 31 of the Government of Mysore Act, 1941 (Act XVIII of 1941);

It is hereby enacted as follows:--

1. (1) This Act may be called the War Risks (Factories) Insurance (Amendment) ~~Emergency~~ Act, 1943.

(2) It shall come into force at once.

2. In section 2 of the War Risks (Factories) Insurance Act, ~~1943~~ 1943 (hereinafter referred to as the said Act),--

(a) to clause (a) the words "and boundary walls" shall be added;

(b) for clause (h) the following clause shall be substituted, namely:--

'(h) 'property insurable under this Act' means, in relation to any factory, the factory buildings and, except where they are for the time being goods insurable under the Mysore War Risks (Goods) Insurance Act, 1943 (Act VII of 1943), all plant and machinery in the factory, all materials in the factory for use in the production or transmission of motive power, or in the maintenance of plant and machinery or in the construction or reconstruction or maintenance of factory buildings, and such other plant, machinery or materials as may be prescribed".

(c) after clause (h) the following clause shall be inserted, namely:--

"(hh) 'quarter' means a period of three months commencing on the first day of March, June, September or December".

3. *In section 5 of the said Act,--*

(a) in sub-section (1), after the words "by notification in the Official Gazette" the following shall be inserted, namely:--

"or, in respect of premises becoming a factory or property becoming property insurable under this Act after that date or in a case to which sub-section (2) refers, before the commencement of the quarter next following that in which the premises became a factory or the property becomes insurable under this Act, or as the case may be in which the reconstruction of the factory is completed, or before the expiry of seven days from the commencement of the War Risks (Factories) Insurance (Amendment) ~~Emergency~~ Act, 1943, whichever is later,"

(b) to sub-section (4) the following words shall be added, namely:--

"and such punishment shall be without prejudice to any other penalty or liability incurred in consequence of such contravention or failure";

(c) after sub-section (4), the following sub-section shall be added, namely:--

"(5) Where any offence under sub-section (4) is tried by a Magistrate competent to try such offence, then, notwithstanding anything contained in any other law in force in Mysore, the Magistrate trying the offence may pass any sentence authorised by that sub-section."

4. *For sub-section (1) of section 6 of the said Act, the following sub-section shall be substituted, namely:--*

"(1) Any person authorised in this behalf by the Government may, for the purpose of ascertaining whether or not the owner or occupier of any property required to be insured under this Act has taken out a policy of insurance as required by this Act in respect of such property, or for the purpose of investigating the insurable value of any property insured, or required to be insured, or proposed for insurance under this Act, or for the purpose of estimating the damage suffered by any property insured under this Act,-

(a) require the owner or occupier of the property, or any person carrying on in Mysore the business of fire insurance in respect of the property, to submit to him such accounts, books or other documents, or to furnish to him such information as he may reasonably think necessary, or

(b) at any reasonable time enter any premises comprising or containing the property, inspect such premises or property, and require any person found on such premises whom he believes to be in possession of information relevant to his investigation to furnish to him such information as he may reasonably think necessary."

5. For section 7 of the said Act the following shall be substituted, namely:--

"7. (1) Without prejudice to the provisions of sub-section (4) of section 5, where any person has failed to insure as, or to the full amount, required by this Act, and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Government may determine the amount payment of which has been so evaded and the amount so determined shall be payable by such person and shall be recoverable from him as provided in sub-section (2).

(2) Any instalment of premium due on a policy of insurance issued under the War Risks (Factori Insurance Scheme operated by the Government of India, and any amount determined as payable under sub-section (1) shall be recoverable as an arrear of land-revenue and shall be a first charge on the property in respect of which the default was made.

(3) A person against whom a determination made under sub-section (1) may, within the prescribed period, appeal against such determination to the Government whose decision sh be final."

5. (1) Section 11 of the said Act shall be renumb as sub-section (1) of that section and in the section as renumbered, for the words beginning with "from the provision of section 5" and ending with the end of the section the following words shall be substituted, namely:--

"from the provisions of this Act requiring such factories or premises to be insured or to continue to be insured under this Act; but such exemption shall not prejudice the infliction of any penalty or the accrual of any liability incurred before the date on which the exemption takes effect."

(2) To the said section as so re-numbered by the foregoing sub-section the following sub-section shall be added, namely:--

> *"(2) In granting any exemption under this section the Government may direct that the exemption shall take effect or be deemed to have taken effect on a specified date after or before the date of the notification."*

WY
15/3/47

D.F.N.

Subject:- Promulgation of the War Risks (Factories) Insurance (Amendment) Act, 1943.

With the gracious assent of His Highness on the 7th January 1943, the War Risks (Factories) Insurance (Emergency) Act was passed into law and has since been published as Act VI of 1943.

The Government of India have effected certain amendments to their act and have requested this Government to take necessary action to enact the amending legislation on the lines indicated by them.

It is considered that there may not be any need to issue the amending enactment as an emergency measure, the conditions here being different from those in certain parts of British India, which are exposed to immediate danger. It is therefore proposed to proceed with this in the usual course in the Representative Assembly and the Legislative Council at their ensuing session, obtaining however, the gracious permission of His Highness to give effect to it as an emergency measure, if need should arise.

The Dewan and other Ministers have agreed to the above proposal. The gracious sanction of His Highness is solicited thereto.

Minister for Education.

6/5/43

D.S.N.

I submit herewith a Final Note by the Minister for Education on the subject of the promulgation into law of the War Risks (Factories) Insurance (Amendment) Bill for His Highness's gracious sanction.

D E W A N

BXR
16.7.43.

THE WAR RISKS (FACTORIES) INSURANCE (AMENDMENT) ACT, 1948.

Statement of Principles.

Two Ordinances (No.XXXII of 1942 and No.IX of 1948) have been promulgated by the Governor-General, amending the War Risks (Factories) Insurance ~~Act~~ Ordinance, 1942. The present Bill is intended to incorporate the main provisions of those Ordinances in our principal Act.

Statutory provision has been made under the Bill for the insuring compulsorily by owners of premises, which become factories and by owners of property which becomes insurable under the principal Act. A wider definition of "Insurable property" is given so as to include all materials in the factory for use in the production or transmission of motive power or in the construction of factory buildings, except where ~~there~~ Any are, for the time being, goods insurable under the Mysore War Risks (Goods) Insurance Act, 1943. Powers have been conferred upon persons authorised by Government to require any person carrying on the business of fire insurance in respect of the property to submit accounts, books or other documents. The officers authorised by the Government are also empowered to determine the amount payable by any person who has failed to insure or has evaded the payment of full amount required by the Act and such amount shall be recoverable as an arrear of land revenue. But a right to appeal to Government is also statutorily provided for in favour of a person against whom such determination is made.

THE WAR RISKS (FACTORIES) INSURANCE (AMENDMENT) ACT, 1948.

WHEREAS it is expedient to amend the War Risks (Factories) Insurance Act, 1948;

It is hereby enacted as follows:-

1. (1) This Act may be called the War Risks (Factories) Insurance (Amendment) Act, 1948.

(2) It shall come into force at once.

2. In section 2 of the War Risks (Factories) Insurance Act, 1948 (hereinafter referred to as the said Act),-

(a) to clause (a) the words "and boundary walls" shall be added;

(b) for clause (h) the following clause shall be substituted, namely:-

"(h) 'property insurable under this Act' means, in relation to any factory, the factory buildings and, except where they are for the time being goods insurable under the Mysore War Risks (Goods) Insurance Act, 1948 (Act VII of 1948), all plant and machinery in the factory, all materials in the factory for use in the production ortransmission of motive power, or in the maintenance of plant and machinery or in the construction or reconstruction or maintenance of factory buildings, and such other plant, machinery or materials as may be prescribed."

(c) after clause (h) the following clause shall be inserted, namely:-

"(hh) 'quarter' means a period of three months commencing on the 1st day of March, June, September or December"

3. In section 5 of the said Act,-

(a) in sub-section (1), after the words "by notification on the official Gazette" the following shall be inserted, namely,-

"or, in respect of premises becoming a factory orproperty becoming property insurable under this Act after that date or in a case to which sub-section (2) refers,

before the commencement of the quarter next following that in which the premises become a factory or the property becomes insurable under this Act, or as the case may be in which the reconstruction of the factory is completed, or before the expiry of seven days from the commencement of the War Risks (Factories) Insurance (Amendment) Act, 1943, whichever is later,"

(b) to sub-section (4) the following words shall be added, namely,-

"and such punishment shall be without prejudice to any other penalty or liability incurred in consequence of such contravention or failure";

(c) after sub-section (4), the following sub-section shall be added, namely,-

"(5) where any offence under sub-section (4) is tried by a Magistrate competent to try such offence, then, notwithstanding anything contained in any other law in force in Mysore, the Magistrate trying the offence may pass any sentence authorised by that sub-section."

4. *For sub-section (1) of section 6 of the said Act, the following sub-section shall be substituted, namely,-*

"(1) Any person authorised in this behalf by the Government may, for the purpose of ascertaining whether or not the owner or occupier of any property required to be insured under this Act has taken out a policy of insurance as required by this Act in respect of such property, or for the purpose of investigating the insurable value of any property insured, or required to be insured, or proposed for insurance under this Act, or for the purpose of estimating the damage suffered by any property insured under this Act,-

(a) require the owner or occupier of the property, or any person carrying on in Mysore the business of fire insurance in respect of the property, to submit to him such accounts, books or other documents, or to furnish to him such information as he may reasonably think necessary, or

(b) at any reasonable time enter any premises comprising or containing the property, inspect such premises or property, and require any person found on such premises whom he believes to be in possession of information relevant to his investigation, to furnish to him such information as he may reasonably think necessary."

5. *For section 7 of the said Act, the following shall be substituted, namely,-*

"7(1) Without prejudice to the provisions of sub-section (4) of ~~the~~ section 5, where any person has failed to insure as, or to the full amount, required by this Act, and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Government may determine the amount payment of which has been so evaded and the amount so determined shall be payable by such person, shall be recoverable from him as provided in sub-section (2).

(2) Any instalment of premium due on a policy of insurance issued under the War Risks (Factories Insurance Scheme operated by the Government of India, and any amount determined as payable under sub-section (1) shall be recoverable as an arrear of land-revenue and shall be a first charge on the property in respect of which the default was made.

(3) A person against whom a determination is made under sub-section (1) may, within the prescribed period, appeal against such determination to the Government, whose decision shall be final."

6. (1) Section 11 of the said Act shall be renumbered as sub-section (1) of that section and in the section as so renumbered, for the words beginning with "from the provisions of section 5" and ending with the end of the section, the following words shall be substituted, namely,-

"from the provisions of this Act requiring such factories or premises to be insured or to continue to be insured under this Act; but such exemption shall not prejudice the infliction of any penalty or the accrual of any liability incurred before the date on which the exemption takes effect."

(2) To the said section as so renumbered by the foregoing sub-section, the following sub-section shall be added, namely,-

"(2) In granting any exemption under this section, the Government may direct that the exemption shall take effect or be deemed to have taken effect on a specified date after or before the date of the notification."

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NOTIFICATION.

Order No. Rl. 730—*Legis.* 47-42-1, *dated Bangalore, the* 18—19*th January* 1943.

Ordered that the accompanying War Risks (Factories) Insurance Act, 1943, which received the assent of His Highness the Maharaja, on the 7th day of January 1943, be published as Act VI of 1943, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

ACT VI OF 1943.

THE WAR RISKS (FACTORIES) INSURANCE ACT.1943.

An Act to provide for the Insurance of certain Property in Mysore against War Risks.

(*Received the assent of His Highness the Maharaja on the seventh day of January* 1943.)

Whereas it is expedient to provide for the insurance of certain property in Mysore against war risks; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the War Risks (Factories) Insurance Act, 1943.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "buildings" includes foundations, plinths, floors, staircases, tanks, engine and boiler beds and flues;

(*b*) "factory" means any premises including the precincts thereof whereon twenty or more workers are working, or were working on any day in the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, but does not include a mine subject to the operation of the Mysore Mines Act, 1906, and includes any premises including the precincts thereof which, having at any time after the 31st day of December 1938, been a factory, have not been exempted under section 11 from the provisions of section 5 of this Act;

(c) " factory buildings " includes all buildings comprised in the factory, and such other buildings (including residential buildings for staff and workmen, hospitals and welfare centres) within a radius of two miles from the main factory building as are in the same ownership or occupation as the factory and are used for the purposes of the factory ;

(d) " insurable value " of property means the value of the property as ascertained for the purposes of insurance under this Act ;

(e) " occupier " of a factory has the meaning assigned to the word in clause (l) of section 2 of the Mysore Factories Act, 1936 ;

(f) " owner " of a factory includes, when parts of the property insurable under this Act in relation to the factory are owned by different persons, each such person in respect of the part owned by him ;

(g) " prescribed " means prescribed by rules made under this Act ;

(h) " property insurable under this Act " means, in relation to any factory, the factory buildings, all plant and machinery in the factory, and such other plant and machinery as may be prescribed ;

(i) " war risks " means such risks arising from—

(i) action taken by an enemy or action taken in combating an enemy or in repelling an imagined attack by an enemy,

(ii) measures taken under proper authority to avoid the spreading of, or otherwise to mitigate, the consequences of damage occurring (whether accidentally or not) as the direct result of any such action as aforesaid,

(iii) precautionary or preparatory measures taken under proper authority with a view to preventing or hindering the carrying out of any attack by an enemy, being measures involving risk to property,

(iv) precautionary or preparatory measures involving the doing of work on land and taken under proper authority in any way in anticipation of enemy action, being measures involving risk to property,

(v) precautionary or preparatory measures taken under proper authority with a view to denying facilities to an enemy, being

neasures involving damage to or diminution of the value of property,

as may be prescribed.

Application of the War Risks Factories Insurance Scheme of the Government of India to Mysore.

3. The War Risks (Factories) Insurance Scheme operated by the Government of India under that Government's War Risks (Factories) Insurance Ordinance, 1942, shall have effect in Mysore as fully and completely as if it had been put into operation under a law in force in Mysore.

Employment of agents by the Government.

4. The Government may employ or authorize the employment of any person or firm to act as its agents for any of the purposes of this Act, and may pay to persons or firms so employed such remuneration as the Government thinks fit.

Compulsory Insurance.

5. (1) Every owner of a factory, except a factory belonging to the Government or a factory exempted under section 11 from the provisions of this Act, shall, by such date as may be specified in this behalf by the Government, by notification in the official Gazette, take out a policy of insurance against war risks issued in accordance with the War Risks (Factories) Insurance Scheme operated by the Government of India, whereby he is insured in respect of all property insurable under this Act, which appertains to the factory for a sum not less than the insurable value of such property :

Provided that, where the owner of the factory is not himself the occupier of the factory, the occupier of the factory shall, unless the owner has already taken out a policy of insurance as required by this sub-section, himself take out the policy, and in such a case the occupier shall be deemed to act as the agent of the owner and shall be entitled to receive from the owner all sums paid as premiums on the policy.

(2) The obligation imposed by sub-section (1) includes, when the owner of the factory is required by the Government to reconstruct a factory which has suffered damage, an obligation to take out an additional policy of insurance as required by the sub-section in respect of the reconstructed factory.

(3) When a factory in respect of which a policy of insurance against war risks has been taken out as required by this section is transferred from one owner to another, or there is a change of occupier of the factory, the policy may be transferred to the new owner or occupier, and such new owner or occupier shall succeed to all rights and

liabilities under and in relation to the policy as if the policy had been in the first instance taken out by him.

(4) Whoever contravenes the provisions of sub-section (1) or the proviso thereto, or, having taken out a policy of insurance as required by that sub-section fails to pay any instalment of premium thereon which is subseq uently due, shall be punishable with fine which may extend to two thousand rupees and with a further fine which may extend to one thousand rupees for every day after the first on which the contravention or failure continues.

Power of Government to obtain information.

6. (1) Any person authorized in this behalf by the Government may, for the purpose of ascertaining whether or not the owner or occupier of a factory has taken out a policy of insurance as required by this Act in respect of all property insurable under this Act which appertains to the factory, or for the purpose of investigating the insurable value of such property, or for the purpose of estimating the damage suffered by such property,—

(*a*) require the owner or occupier of a factory to submit to him such accounts, books or other documents or to furnish to him such information as he may reasonably think necessary, or

(*b*) at any reasonable time enter any premises or upon any property appertaining to a factory, inspect such premises or property, and require any person found therein or thereon, whom he believes to be in possession of information relevant to his investigation, to furnish to him such information as he may reasonably think necessary.

(2) Whoever wilfully obstructs any person in the exercise of his powers under this section or fails without reasonable excuse to comply with any request made thereunder shall, in respect of each occasion on which any such obstruction or failure takes place, be punishable with fine which may extend to one thousand rupees.

(3) Whoever, in purporting to comply with his obligations under this section, knowingly or recklessly makes a statement false in a material particular, shall be punishable with fine which may extend to one thousand rupees.

Recovery of arrears of premium instalments.

7. Any instalment of premium due on a policy of insurance issued under the scheme may be recovered as an arrear of land revenue.

Limitation of prosecutions.

8. No prosecution for any offence punishable under this Act shall be instituted against any person except by or with the consent of the Government or an authority authorized in this behalf by the Government.

Composition of offences.

9. Any offence punishable under sub-section (4) of section 5 may, either before or after the institution of the prosecution, be compounded by the Government, or by any authority authorized in this behalf by the Government, on payment for credit to the War Risks (Factories) Insurance Fund constituted by the Government of India of such sum as the Government or such authority, as the case may be, thinks fit.

Bar of legal proceedings.

10. No suit, prosecutions or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Power to exempt factories.

11. The Government may, by notification in the official Gazette, exempt any factory or any description of factories or any premises including the precincts thereof which have at any time after the 31st day of December, 1938, been a factory, from the provisions of section 5 and may by order declare that any factory or any description of factories so exempted may, if the owner so wishes, be insured under the War Risks (Factories) Insurance Scheme operated by the Government of India.

Power to make rules.

12. (1) The Government may, by notification in the official Gazette, make rules to carry into effect the provisions of this Act.

(2) Subject to any other rules or modifications that may be made in exercise of the powers under sub-section (1) of this section, the rules for the time being in force under the Government of India's War Risks (Factories) Insurance Ordinance, 1942, shall *mutatis mutandis* be deemed to be the rules for the purposes of this Act in Mysore and further, all persons authorized by the Government of India under their War Risks (Factories) Insurance Ordinance, 1942, and the rules framed thereunder for any of the purposes of that ordinance shall be deemed to be authorized under this Act for corresponding purposes.

Repeal and savings.

13. The War Risks (Factories) Insurance Emergency Act, 1942 (Act XXXIV of 1942), is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have

been made, done or taken, in exercise of powers conferred by or under this Act, as if this Act had commenced on the 3rd day of August 1942.

N. MADHAVA RAU,

Dewan.

Price: 0-0-6

Printed by the Superintendent at the Government Press, Bangalore.

9. BILL TO AMEND THE WAR RISKS (FACTORIES) INSURANCE ACT, 1943.

Statement of Principles.

Two Ordinances (XXXII of 1942 and IX of 1943) have been promulgated by the Governor-General, amending the War Risks (Factories) Insurance Ordinance 1942. The present Bill is intended to incorporate the main provisions of those Ordinances in our principal Act.

Statutory provision has been made under the Bill for the insuring compulsorily by owners of premises, which become factories and by owners of property which becomes insurable under the principal Act. A wider definition of "Insurable Property," is given so as to include all materials in the factory for use in the production or transmission of motive power or in the construction of Factory buildings, except where they are, for the time being, goods insurable under the Mysore War Risks (Goods) Insurance Act, 1943. Powers have been conferred upon persons authorised by Government to require any person carrying on the business of fire insurance in respect of the property to submit accounts, books or other documents. The officers authorised by the Government are also empowered to determine the amount payable by any person who has failed to insure or has evaded the payment of full amount required by the Act and such amount shall be recoverable as an arrear of land revenue. But a right to appeal to Government is also statutorily provided for in favour of a person against whom such determination is made.

The Government are also empowered to grant exemption to factories from the operation of the Act, subject to two conditions, namely, that such exemption shall not prejudice the infliction of any penalty or the accrual of any liability incurred before thedate on which the exemption takes effect and that such exemption shall take effect on a date specified in the notification issued in this behalf.

BILL TO AMEND THE WAR RISKS (FACTORIES) INSURANCE ACT, 1943.

WHEREAS it is expedient to amend the War Risks (Factories) Insurance Act, 1943;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the War Risks (Factories) Insurance (Amendment) Act, 194 .

(2) It shall come into force at once.

Amendment of section 2, Act VI of 1943.

2. In section 2 of the War Risks (Factories) Insurance Act, 1943 (hereinafter referred to as the said Act),—

(*a*) to clause (*a*) the words "and boundary walls" shall be added ;

(*b*) for clause (*h*) the following clause shall be substituted, namely :—

"(*h*) 'property insurable under this Act' means, in relation to any factory, the factory buildings and, except where they are for the time being goods insurable under the Mysore War Risks (Goods) Insurance Act, 1943 (Act VII of 1943), all plant and machinery

in the factory, all materials in the factory for use in the production or transmission of motive power, or in the maintenance of plant and machinery or in the construction or reconstruction or maintenance of factory buildings, and such other plant, machinery or materials as may be prescribed."

(*c*) after clause (*h*) the following clause shall be inserted, namely:—

"(*hh*) 'quarter' means a period of three months commencing on the 1st day of March, June, September or December.".

3. In section 5 of the said Act,— Amendment of section 5, Act VI of 1943.

(*a*) in sub-section (1), after the words "by notification in the official Gazette" the following shall be inserted, namely:—

", in respect of premises becoming a factory or property becoming property insurable under this Act after that date or in a case to which sub-section (2) refers, before the commencement of the quarter next following that in which the premises become a factory or the property becomes insurable under this Act, or as the case may be in which the reconstruction of the factory is completed, or before the expiry of seven days from the commencement of the War Risks (Factories) Insurance (Amendment) Act, 1943, whichever is later,"

(*b*) to sub-section (4) the following words shall be added, namely:—

"and such punishment shall be without prejudice to any other penalty or liability incurred in consequence of such contravention or failure";

(*c*) after sub-section (4), the following sub-section shall be added, namely:—

"(5) where any offence under sub-section (4) is tried by a Magistrate competent to try such offence, then, notwithstanding anything contained in any other law in force in Mysore, the Magistrate trying the offence may pass any sentence authorised by that sub-section."

4. For sub-section (1) of section 6 of the said Act, the following sub-section shall be substituted, namely:— Amendment of section 6, Act VI of 1943

"(1) Any person authorised in this behalf by the Government may, for the purpose of ascertaining whether or not the owner or occupier of any property required to be insured under this Act has taken out a policy of insurance as required by this Act in respect of such property, or for the purpose of investigating the insurable value of any property insured, or required to be insured, or proposed for insurance under this Act, or for the purpose of estimating the damage suffered by any property insured under this Act,—

(*a*) require the owner or occupier of the property, or any person carrying on in Mysore the business of fire insurance in respect of the

property, to submit to him such accounts, books or other documents, or to furnish to him such information as he may reasonably think necessary, or

(*b*) at any reasonable time enter any premises comprising or containing the property, inspect such premises or property, and require any person found on such premises whom he believes to be in possession of information relevant to his investigation, to furnish to him such information as he may reasonably think necessary."

Substitution of a new section for section 7, Act XII of 1948.

5. For section 7 of the said Act, the following shall be substituted, namely :—

"7(1) Without prejudice to the provisions of sub-section (4) of section 5, where any person has failed to insure as, or to the full amount, required by this Act, and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Government may determine the amount payment of which has been so evaded and the amount so determined shall be payable by such person and shall be recoverable from him as provided in sub-section (2).

(2) Any instalment of premium due on a policy of insurance issued under the War Risks (Factories) Insurance Scheme operated by the Government of India, and any amount determined as payable under sub-section (1) shall be recoverable as an arrear of land revenue and shall be a first charge on the property in respect of which the default was made.

(3) A person against whom a determination is made under sub-section (1) may, within the prescribed period, appeal against such determination to the Government, whose decision shall be final."

6. (1) Section 11 of the said Act shall be renumbered as sub-section (1) of that section and in the section as so renumbered, for the words beginning with "from the provisions of section 5" and ending with the end of the section, the following words shall be substituted, namely :—

"from the provisions of this Act requiring such factories or premises to be insured or to continue to be insured under this Act: but such exemption shall not prejudice the infliction of any penalty or the accrual of any liability incurred before the date on which the exemption takes effect."

(2) To the said section as so renumbered by the foregoing sub-section, the following sub-section shall be added, namely :—

(2) In granting any exemption under this section, the Government may direct that the exemption shall take effect or be deemed to have taken effect on a specified date after or before the date of the notification."

War with Jacobis amendment

9. ಕಾರ್ಖಾನೆಗಳಿಗೆ ಯುದ್ಧದ ದೆಸೆಯಿಂದಾಗಬಹುದಾದ ನಷ್ಟಸಂಭವಗಳ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ (ತಿದ್ದುಪಡಿ) ಮಸೂದಾ ಕಾನೂನಿನ ನಿಯಮಗಳ ವಿವರ.

ಕಾರ್ಖಾನೆಗಳಿಗೆ ಯುದ್ಧದ ದೆಸೆಯಿಂದಾಗಬಹುದಾದ ನಷ್ಟಸಂಭವಗಳ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾದಲ್ಲಿ ಏರ್ಪಟ್ಟಿರುವ 1942ನೆಯ ಇಸವಿಯ 'ಆರ್ಡಿನೆನ್ಸ್' ಕಾನೂನನ್ನು ತಿದ್ದುಪಾಟುಮಾಡುವ ಎರಡು ಆರ್ಡಿನೆನ್ಸ್ ಕಾನೂನುಗಳನ್ನು ಗವರ್ನರ್ ಜನರಲ್ ರವರು ವಿಧಾಯಕ ಮಾಡಿ ಜಾರಿಗೆ ತಂದಿರುತ್ತಾರೆ. ಅವುಗಳಲ್ಲಿ 1942ನೆಯ ಇಸವಿಯ XXXII ನೆಯ ನಂಬರಿನ 'ಆರ್ಡಿನೆನ್ಸ್' ಒಂದು ಮತ್ತು 1943ನೆಯ ಇಸವಿಯ IXನೆಯ ನಂಬರಿನ 'ಆರ್ಡಿನೆನ್ಸ್' ಇನ್ನೊಂದು. ಈ ಎರಡು ತಿದ್ದುಪಡಿ ಆರ್ಡಿನೆನ್ಸು ಕಾನೂನುಗಳ ಮುಖ್ಯನಿಯಮಗಳನ್ನು ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಕಾರ್ಖಾನೆಗಳಿಗೆ ಯುದ್ಧದ ದೆಸೆಯಿಂದಾಗಬಹುದಾದ ನಷ್ಟಸಂಭವಗಳ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟಿನಲ್ಲೂ ಸೇರಿಸಬೇಕೆಂಬುದೇ ಈ ಮಸೂದಾ ಕಾನೂನಿನ ಉದ್ದೇಶ.

ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಈಗ ಜಾರಿಯಲ್ಲಿರುವ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಕಾರ್ಖಾನೆಗಳ್ಳಾಗುವ ವಹಾರಗಳ ಮಾಲೀಕರೂ ಮತ್ತು ಆ ಆಕ್ಟಿನ ಮೇರೆಗೆ ವಿಮೆ ಮಾಡಲ್ಪಡಬಹುದಾದ ಸ್ವತ್ತುಗಳ ಮಾಲೀಕರೂ, ಆ ವಹಾರಗಳನ್ನು ಅಥವಾ ಸ್ವತ್ತುಗಳನ್ನು ವಿಮೆ ಮಾಡಲೇಬೇಕೆಂದು ನಿರ್ಬಂಧಪಡಿಸಲು ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವಿರುವಂತೆ ಈ ಮಸೂದಾ ಕಾನೂನಿನಲ್ಲಿ ನಿಯಮವನ್ನು ಕಲ್ಪಿಸಲಾಗಿದೆ. ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ "ವಿಮೆ ಮಾಡಲ್ಪಡಬಹುದಾದ ಸ್ವತ್ತು" ಎಂಬ ಪದದ ಅರ್ಥವಿವರಣೆಯಲ್ಲಿ ಯಂತ್ರಗಳನ್ನು ನಡೆಯಿಸುವುದಕ್ಕೆ ಬೇಕಾದ ಶಕ್ತಿಯನ್ನು ಉತ್ಪತ್ತಿ ಮಾಡುವುದಕ್ಕಾಗಲಿ, ಅಥವಾ ಅಂಥ ಶಕ್ತಿಯನ್ನು ಒಂದು ಕಡೆಯಿಂದ ಮತ್ತೊಂದು ಕಡೆಗೆ ಒಯ್ಯುವುದಕ್ಕಾಗಲಿ ಉಪಯೋಗಿಸುವ ಎಲ್ಲ ಪದಾರ್ಥಗಳೂ, ಅಥವಾ ಕಾರ್ಖಾನೆಯ ಕಟ್ಟಡಗಳನ್ನು ಕಟ್ಟುವುದರಲ್ಲಿ ಉಪಯೋಗಿಸುವ ಎಲ್ಲ ಪದಾರ್ಥಗಳೂ ಸೇರುವಂತೆ, ಆ ಪದದ ಅರ್ಥವಿವರಣೆಯನ್ನು ವಿಸ್ತರಿಸಲಾಗಿದೆ. ಆದರೆ ಆ ಪದಾರ್ಥಗಳು ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಸರಕುಗಳಿಗೆ ಯುದ್ಧದ ದೆಸೆಯಿಂದಾಗಬಹುದಾದ ನಷ್ಟ ಸಂಭವಗಳ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ 1943ನೆಯ ಇಸವಿಯ ಆಕ್ಟಿನ ಮೇರೆಗೆ ವಿಮೆ ಮಾಡಬಹುದಾದ ಸರಕುಗಳಾಗಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಅವು ಮೇಲೆ ಹೇಳಿದ ಅರ್ಥ ವಿವರಣೆಯಲ್ಲಿ ಸೇರುವುದಿಲ್ಲ. ವಿಮೆ ಮಾಡಲರ್ಹವಾದ ಸ್ವತ್ತಿನ ಸಂಬಂಧದಲ್ಲಿ, ಬೆಂಕಿಯ ಅಪಾಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮೆಯ ಕಾರ್ಯಗಳನ್ನು ನಡೆಯಿಸಿಕೊಂಡುಬರುತ್ತಿರುವ ಯಾವ ಮನುಷ್ಯನನ್ನಾಗಲಿ, ಲೆಕ್ಕಗಳನ್ನು, ಪುಸ್ತಕಗಳನ್ನು ಅಥವಾ ಇತರೆ ಕಾಗದ ಪತ್ರಗಳನ್ನು ಒಪ್ಪಿಸುವಂತೆ ಕೇಳಲು, ಸರ್ಕಾರದವರಿಂದ ಅಧಿಕಾರಗೊಳಿಸಲ್ಪಟ್ಟಿರುವ ಆಫೀಸರುಗಳಿಗೆ ಅಧಿಕಾರ ಕೊಡಲಾಗಿದೆ. ಅಲ್ಲದೆ, ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ವಿಮೆ ಮಾಡಬೇಕಾಗಿದ್ದು ಹಾಗೆ ವಿಮೆ ಮಾಡದೆ ತಪ್ಪಿದ ಅಥವಾ ವಿಮೆಗಾಗಿ ಕೊಡಬೇಕಾಗಿರತಕ್ಕ ಪೂರ್ತಾ ಮೊಬಲಗನ್ನು ಕೊಡದೆ ತಪ್ಪಿದ ಯಾವನಾದರೂ ಮನುಷ್ಯನು ಕೊಡಬೆಕಾಗಿರುವ ಮೊತ್ತವೇಷ್ಟೆಂಬುದನ್ನು ನಿರ್ಧರಿಸುವುದಕ್ಕೂ ಸಹ ಸರ್ಕಾರದವರಿಂದ ಅಧಿಕಾರ ಪಡೆದಿರುವ ಆ ಆಫೀಸರುಗಳಿಗೆ ಅಧಿಕಾರವಿರುವಂತೆ ಏರ್ಪಡಿಸಲಾಗಿದೆ. ಹಾಗೆ ನಿರ್ಧರಿಸಲ್ಪಟ್ಟ ಮೊತ್ತವು ಜಮಾನು ಕಂದಾಯದ ಬಾಕಿಯಂತೆ ವಸೂಲ್ಮಾಡಲ್ಪಡುವುದಕ್ಕೂ ಅವಕಾಶ ಕಲ್ಪಿತವಾಗಿದೆ. ಆದರೆ ಯಾವ ಮನುಷ್ಯನ ವಿಚಾರದಲ್ಲಿ ಆ ರೀತಿ ನಿರ್ಧರಿಸಲ್ಪಡುತ್ತದೆಯೋ ಆ ಮನುಷ್ಯನು ಸರ್ಕಾರದವರಲ್ಲಿ ಅಪೀಲು ಮಾಡಿಕೊಳ್ಳಲು ಅವನಿಗೆ ಹಕ್ಕಿರುವಂತೆ ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಿ ನಿಯಮವನ್ನೇರ್ಪಡಿಸಲಾಗಿದೆ.

ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳು ಯಾವುವಾದರೂ ಕಾರ್ಖಾನೆಗಳಿಗೆ ಅನ್ವಯವಾಗದಂತೆ ವಿನಾಯಿತಿಯನ್ನು ಕೊಡುವ ಅಧಿಕಾರವು ಸರ್ಕಾರದವರಿಗಿರುವಂತೆ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಲಾಗಿದೆ. ಆದರೆ ಹೀಗೆ ವಿನಾಯಿತಿಯನ್ನು ಕೊಡುವುದು ಎರಡು ಷರತ್ತುಗಳಿಗೆ ಒಳಪಟ್ಟಿರುತ್ತದೆ. ಅವು ಯಾವುವೆಂದರೆ:—ಆ ವಿನಾಯಿತಿಯು ಜಾರಿಗೆ ಬರುವ ತಾರೀಖಿಗೆ ಮುಂಚಿನ ಯಾವುದಾದರೂ ದಂಡನೆಗಾಗಲಿ ಅಥವಾ ಯಾವುದಾದರೂ ಹೊಣೆಗಾರಿಕೆಯನ್ನು ನೆರವೇರಿಸುವುದಕ್ಕಾಗಲಿ ಆ ವಿನಾಯಿತಿಯಿಂದ ಯಾವ ಬಾಧಕವೂ ಉಂಟಾಗತಕ್ಕುದಲ್ಲ. ಇದು ಒಂದು ಷರತ್ತು; ಮತ್ತು ಅಂಥ ವಿನಾಯಿತಿಯು ಈ ವಿಷಯದಲ್ಲಿ ಸಾದರ್ಪಡಿಸುವ ಇಸ್ತಿಹಾರ್ನಾಮೆಯಲ್ಲಿ ನಮೂದಿಸಿರುವ ತಾರೀಖಿನಿಂದ ಮಾತ್ರವೇ ಜಾರಿಗೆ ಬರಬೇಕೆಂಬುದು ಇನ್ನೊಂದು ಷರತ್ತು. ಈ ಎರಡು ಷರತ್ತುಗಳಿಗೆ ಒಳಪಡಿಸಿ, ಹಾಗೆ ವಿನಾಯಿತಿಯನ್ನು ಮಂಜೂರ್ಮಾಡುವಂತೆ ಏರ್ಪಡಿಸಲಾಗಿದೆ.

ಕಾರ್ಖಾನೆಗಳಿಗೆ ಯುದ್ಧದ ದೆಸೆಯಿಂದಾಗಬಹುದಾದ ನಷ್ಟಸಂಭವಗಳ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ (ತಿದ್ದುಪಡಿ) ಮಸೂದಾ ಕಾನೂನು.

ಕಾರ್ಖಾನೆಗಳಿಗೆ ಯುದ್ಧದ ದೆಸೆಯಿಂದಾಗಬಹುದಾದ ನಷ್ಟ ಸಂಭವಗಳ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ 1943ನೆಯ ಇಸವಿಯ ಆಕ್ಟನ್ನು ತಿದ್ದುಪಾಟು ಮಾಡುವುದು ಯುಕ್ತವಾದುದರಿಂದ,

ಈ ಕೆಳಗೆ ಕಂಡಂತೆ ಈ ಮೂಲಕ ಕಾನೂನನ್ನು ವಿಧಾಯಕ ಮಾಡಲಾಗಿದೆ :—

ಒಕ್ಕ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ.

1. (1) ಈ ಆಕ್ಟನ್ನು ಕಾರ್ಖಾನೆಗಳಿಗೆ ಯುದ್ಧದ ದೆಸೆಯಿಂದಾಗಬಹುದಾದ ನಷ್ಟ ಸಂಭವಗಳ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ 194....ನೆಯ ಇಸವಿಯ (ತಿದ್ದುಪಡಿ) ಆಕ್ಟು ಎಂದು ಕರೆಯಬಹುದು.

(2) ಅದು ಕೂಡಲೆ ಜಾರಿಗೆ ಬರತಕ್ಕದು.

1943ನೆಯ ಇಸವಿಯ VIನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ 2ನೆಯ ಪ್ರಕರಣದ ತಿದ್ದುಪಾಟು.

2. ಕಾರ್ಖಾನೆಗಳಿಗೆ ಯುದ್ಧದ ದೆಸೆಯಿಂದಾಗಬಹುದಾದ ನಷ್ಟ ಸಂಭವಗಳ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ 1943ನೆಯ ಇಸವಿಯ ಆಕ್ಟಿನ (ಇನ್ನು ಮುಂದೆ ಇದನ್ನು ಆಕ್ಟು ಎಂದು ಕರೆಯಲಾಗುವುದು) 2ನೆಯ ಪ್ರಕರಣದಲ್ಲಿ,—

(a) 1943ನೆಯ ಇಸವಿಯ ಆಕ್ಟಿನ (a) ಕ್ಲಾಜಿನ ಆಖ್ಯೆರಿನಲ್ಲಿ ಎಂದರೆ " ಹಡೆ ಹೋಗುವುದಕ್ಕೆ ಏರ್ಪಟ್ಟಿರುವ ಗವಾಕ್ಷಿ ಮಾರ್ಗಗಳು ;' ಎಂಬ ಪದಗಳ ತರುವಾಯ ಮತ್ತು "—ಇವೆಲ್ಲಾ ಸೇರಿರುತ್ತವೆ" ಎಂಬ ಪದಗಳಿಗೆ ಮುಂಚೆ " ಎಲ್ಲೆಕಟ್ಟಿನ ಗೋಡೆಗಳು " ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದು.

(b) ಈಗಿರತಕ್ಕ (h) ಕ್ಲಾಜಿಗೆ ಬದಲಾಗಿ ಈ ಕೆಳಗೆ ಕಂಡ ಕ್ಲಾಜನ್ನು ಸೇರಿಸತಕ್ಕದು. ಅದು ಯಾವುದೆಂದರೆ :—

" (h) ' ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ವಿಮೆ ಮಾಡಲ್ಪಡಬಹುದಾದ ಸ್ವತ್ತು ' ಎಂದರೆ, ಆ ಸ್ವತ್ತು ಯಾವುದಾದರೂ ಕಾರ್ಖಾನೆಯಾಗಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಆ ಕಾರ್ಖಾನೆಯ ಕಟ್ಟಡಗಳು ಮತ್ತು 1943ನೆಯ ಇಸವಿಯ VIIನೆಯ ನಂಬರಿನ ಆಕ್ಟಾದ ಮೈಸೂರು ಸಂಸ್ಥಾನ ದಲ್ಲಿ ಸರಕುಗಳಿಗೆ ಯುದ್ಧದ ದೆಸೆಯಿಂದಾಗಬಹುದಾದ ನಷ್ಟ ಸಂಭವಗಳ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟಿನ ಮೇರೆಗೆ, ತತ್ಕಾಲದಲ್ಲಿ ವಿಮೆ ಮಾಡಲ್ಪಡಬಹುದಾದ ಸ್ವತ್ತುಗಳಾಗಿದ್ದರೆ ಹೊರತು ಇತರ ಸಂದರ್ಭಗಳಲ್ಲಿ, ಆ ಕಾರ್ಖಾನೆಯಲ್ಲಿರತಕ್ಕ ಎಲ್ಲ ಯಂತ್ರಗಳು ಮತ್ತು ಯಂತ್ರೋಪಕರಣಗಳು, ಯಂತ್ರಗಳನ್ನು ನಡೆಯಿಸುವುದಕ್ಕೆ ಬೇಕಾದ ಶಕ್ತಿಯನ್ನು ಉತ್ಪತ್ತಿ ಮಾಡುವುದರಲ್ಲಿ ಅಥವಾ ಅದನ್ನು ಒಂದು ಕಡೆಯಿಂದ ಮತ್ತೊಂದು ಕಡೆಗೆ ಸಾಗಿಸುವುದರಲ್ಲಿ ಅಥವಾ ಯಂತ್ರವನ್ನೂ ಮತ್ತು ಯಂತ್ರೋಪಕರಣಗಳನ್ನೂ ಸರಿಯಾದ ಸ್ಥಿತಿಯಲ್ಲಿ ಕಾಪಾಡಿಕೊಂಡು ಬರುವುದರಲ್ಲಿ ಅಥವಾ ಕಾರ್ಖಾನೆಯ ಕಟ್ಟಡಗಳನ್ನು ಕಟ್ಟಿಸುವುದರಲ್ಲಿ ಅಥವಾ ಸರಿಪಡಿಸಿ ಕಟ್ಟಿಸುವುದರಲ್ಲಿ ಅಥವಾ ಸರಿಯಾದ ಸ್ಥಿತಿಯಲ್ಲಿರಿಸಿ ಕಾಪಾಡಿಕೊಂಡು ಬರುವುದರಲ್ಲಿ ಉಪಯೋಗಿಸಲು ಕಾರ್ಖಾನೆಯಲ್ಲಿರತಕ್ಕ ಎಲ್ಲ ಸಾಮಾನುಗಳು ಮತ್ತು ಆಗಾಗ್ಗೆ ವಿಧಾಯಕವಾಗಬಹುದಾದಂತೆ ಇತರ ಯಂತ್ರಗಳು, ಯಂತ್ರೋಪಕರಣಗಳು ಅಥವಾ ಸಾಮಾನುಗಳು ಎಂದು ಅರ್ಥ."

(c) ಮೇಲೆ ಹೇಳಿದ (h) ಕ್ಲಾಜ್ರಾದ ತರುವಾಯ ಈ ಕೆಳಗೆ ಕಂಡ ಕ್ಲಾಜನ್ನು ಸೇರಿಸತಕ್ಕದು. ಅದು ಯಾವುದೆಂದರೆ :—

" (hh) ' ತ್ರೈಮಾಸಿಕ ಅವಧಿ ' ಎಂದರೆ ಪ್ರತಿವರ್ಷದ ಮಾರ್ಚಿ, ಜೂರ್, ಸೆಪ್ಟಂಬರ್ ಮತ್ತು ಡಿಸೆಂಬರ್ ತಿಂಗಳುಗಳ ಮೊದಲನೆಯ ತಾರೀಖುಗಳ ಲಾಗಾಯಿತು ಮೂರು ತಿಂಗಳುಗಳ ಕಾಲವೆಂದು ಅರ್ಥ."

1943ನೆಯ ಇಸವಿಯ VIನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ 5ನೆಯ ಪ್ರಕರಣ ತಿದ್ದುಪಾಟು.

3. ಆಕ್ಟಿನ 5ನೆಯ ಪ್ರಕರಣದಲ್ಲಿ :—

(a) ಅದರ (1)ನೆಯ ಒಳಪ್ರಕರಣದಲ್ಲಿ " ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಇಸ್ತಿಹಾರ್ನಾಮೆಯ ಮೂಲಕ ಈ ವಿಚಾರವಾಗಿ ಗೊತ್ತುಮಾಡಬಹುದಾದ ತಾರೀಖಿನಿಂದ " ಎಂಬ ಪದಗಳ ತರುವಾಯ, ಈ ಕೆಳಗೆಕಂಡ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದು. ಅವುಗಳು ಯಾವುವೆಂದರೆ :—

" ಅಥವಾ ಆ ತಾರೀಖಿನ ತರುವಾಯ ಕಾರ್ಖಾನೆಯಾಗತಕ್ಕ ಒಂದು ವಠಾರದ ವಿಷಯದಲ್ಲಾದರೆ ಅಥವಾ ಆ ತಾರೀಖಿನ ತರುವಾಯ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ವಿಮೆ ಮಾಡಲ್ಪಡಬಹುದಾದ ಸ್ವತ್ತಾಗಿ ಪರಿಣಮಿಸತಕ್ಕ ಸ್ವತ್ತಿನ ವಿಷಯದಲ್ಲಾದರೆ, ಅಥವಾ ಮೇಲಿನ (2)ನೆಯ ಒಳಪ್ರಕರಣವು ಅನ್ವಯಿಸಬಹುದಾದ ಒಂದು ಸಂದರ್ಭದಲ್ಲಾದರೆಆಯಾ ಸಂದರ್ಭಾನುಸಾರ ಯಾವ ತ್ರೈಮಾಸಿಕ ಅವಧಿಯಲ್ಲಿ ಆ ವಠಾರವು ಕಾರ್ಖಾನೆಯಾಗಿ ಏರ್ಪಟ್ಟಿತೋ ಅಥವಾ ಆ ಸ್ವತ್ತು ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ವಿಮೆ ಮಾಡಲ್ಪಡಬಹುದಾದ ಸ್ವತ್ತಾಗಿ ಪರಿಣಮಿಸಿತೋ, ಅಥವಾ ಕಾರ್ಖಾನೆಯನ್ನು ಪುನಃ ಸರಿಪಡಿಸಿ ಕಟ್ಟಿಸತಕ್ಕ ಕೆಲಸವು ಮುಗಿಯಿತೋ ಆ

ತ್ರೈಮಾಸಿಕ ಅವಧಿಯ ತರುವಾಯದ ತ್ರೈಮಾಸಿಕ ಅವಧಿಯು ಪ್ರಾರಂಭವಾಗುವುದಕ್ಕೆ ಮುಂಚೆ,ಅಥವಾ ಕಾರ್ಖಾನೆಗಳಿಗೆ ಯುದ್ಧದದೆಸೆಯಿಂದಾಗಬಹುದಾದ ನಷ್ಟಸಂಭವಗಳ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ 1943ನೆಯ ಇಸವಿಯ (ತಿದ್ದುಪಡಿ) ಆಕ್ಟು ಜಾರಿಗೆಬಂದನಂತರ ಏಳು ದಿನಗಳು ಪೂರ್ತಿಸುವುದಕ್ಕೆ ಮುಂಚೆ, ಎಂದರೆ ಇವುಗಳ ಪೈಕಿ ಯಾವುದು ನಾವಕಾಶವಾಗಿ ಬರುತ್ತದೆಯೋ ಆ ತಾರೀಖಿನಿಂದ''

(b) (4)ನೆಯ ಒಳಪ್ರಕರಣಕೆ ಈ ಕೆಳಗೆ ಕಂಡ ಪದಗಳನು ಸೇರಿಸಿಕೊಳ್ಳತಕ್ಕುದು. ಅವು ಯಾವುವೆಂದರೆ :—

'' ಮತ್ತು ಆ ರೀತಿ ಶಿಕ್ಷೆಗೆ ಗುರಿಮಾಡುವುದರಿಂದ, ಮೇಲೆ ಹೇಳಿದ ಪ್ರಕಾರ ವಿರುದ್ಧವಾಗಿ ವರ್ತಿಸಿದುದರ ಫಲತಾಂಶವಾಗಿ ಅಥವಾ ಪ್ರೀಮಿಯಂ ಮೊಬಲಗಿನ ಕಂತನ್ನು ಕೊಡದೆ ತಪ್ಪಿದುದರ ಫಲತಾಂಶವಾಗಿ ಗುರಿಯಾಗಬಹುದಾಗಿರತಕ್ಕ ಇತರ ಯಾವುದಾದರೂ ದಂಡನೆಗಾಗಲಿ ಅಥವಾ ಹೊಣೆಗಾರಿಕೆಗಾಗಲಿ ಬಾಧಕವುಂಟಾಗತಕ್ಕುದಲ್ಲ ''

(c) (4)ನೆಯ ಒಳಪ್ರಕರಣದ ತರುವಾಯ ಈ ಕೆಳಗೆ ಕಂಡ ಮತ್ತೊಂದು ಒಳಪ್ರಕರಣವನ್ನು ಸೇರಿಸತಕ್ಕುದು; ಅದು ಯಾವುದೆಂದರೆ :—

'' (5) ಮೇಲಿನ (4)ನೆಯ ಒಳಪ್ರಕರಣದ ಮೇರೆಗೆ ಶಿಕ್ಷಾರ್ಹವಾದ ಒಂದು ಅಪರಾಧದ ವಿಚಾರದಲ್ಲಿ ವಿಚಾರಣೆಯನ್ನು ನಡೆಯಿಸಲು ಅಧಿಕಾರ ಪಡೆದಿರತಕ್ಕ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು, ಅಂಥ ಯಾವುದಾದರೂ ಅಪರಾಧದ ಸಂಬಂಧದಲ್ಲಿ ವಿಚಾರಣೆ ನಡೆಯಿಸುವ ಸಂದರ್ಭದಲ್ಲಿ, ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಜಾರಿಯುಲ್ಲರತಕ್ಕ ಇತರ ಯಾವುದಾದರೂ ಕಾನೂನಿನಲ್ಲಿ ಏನೇ ಅಡಕವಾಗಿದ್ದಾಗ್ಯೂ ಸಹ, ಆ ಅಪರಾಧವನ್ನು ವಿಚಾರಣೆಮಾಡತಕ್ಕ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ತಮಗೆ ಮೇಲಣ (4)ನೆಯ ಒಳಪ್ರಕರಣದ ಮೇರೆಗೆ ಯಾವ ಯಾವ ಶಿಕ್ಷೆಗಳನ್ನು ವಿಧಿಸಲು ಅಧಿಕಾರ ಕೊಡಲ್ಪಟ್ಟಿದೆಯೋ ಆ ಶಿಕ್ಷೆಗಳ ಪೈಕಿ ಯಾವ ಶಿಕ್ಷೆಯನ್ನು ಬೇಕಾದರೂ ವಿಧಿಸಬಹುದು.''

4. ಆಕ್ಟಿನ 6ನೆಯ ಪ್ರಕರಣದ (1)ನೆಯ ಒಳಪ್ರಕರಣಕ್ಕೆ ಬದಲಾಗಿ ಈ ಕೆಳಗೆ ಕಂಡ ಒಳಪ್ರಕರಣವನ್ನು ಸೇರಿಸತಕ್ಕುದು. ಅದು ಯಾವುದೆಂದರೆ:—

1943ನೆಯ ಇಸವಿಯ VIನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ 6ನೆಯ ಪ್ರಕರಣದ ತಿದ್ದುಪಾಟು.

'' (1) ಈ ಸಂಬಂಧವಾಗಿ ಸರ್ಕಾರದವರಿಂದ ಅಧಿಕಾರಪಡೆದಿರುವ ಯಾವ ಮನುಷ್ಯನಾಗಲಿ,ಈ ಆಕ್ಟಿನಮೇರೆಗೆ ವಿಮೆ ಮಾಡಲ್ಪಡಬೇಕಾಗಿರತಕ್ಕ ಯಾವುದಾದರೂ ಸ್ವತ್ತಿನ ಮಾಲೀಕನು ಅಥವಾ ಅನುಭವದಾರನು ಅಂಥ ಸ್ವತ್ತಿನ ಸಂಬಂಧದಲ್ಲಿ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಗೊತ್ತಾಗಿರುವಂತೆ ಒಂದು ವಿಮೆಯ ಪಾಲಿಸಿಯನ್ನು ತೆಗೆದುಕೊಂಡಿರುವನೇ ಅಥವಾ ತೆಗೆದುಕೊಂಡಿಲ್ಲವೇ ಎಂಬುದನ್ನು ವಿಚಾರಿಸಿ ತಿಳಿದುಕೊಳ್ಳುವುದಕ್ಕಾಗಲಿ ಅಥವಾ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ವಿಮೆಮಾಡಿದ ಅಥವಾ ವಿಮೆಮಾಡಬೇಕಾಗಿರುವ ಅಥವಾ ವಿಮೆಮಾಡಲು ದರಖಾಸ್ತು ಕೊಟ್ಟಿರುವ ಯಾವುದಾದರೂ ಸ್ವತ್ತಿನ ವಿಮೆಯ ಮೌಲ್ಯವು ಎಷ್ಟೆಂಬುದನ್ನು ಪರಿಶೀಲಿಸುವುದಕ್ಕಾಗಲಿ ಅಥವಾ ಈ ಆಕ್ಟಿನಮೇರೆಗೆ ವಿಮೆಮಾಡಿದ ಯಾವುದಾದರೂ ಸ್ವತ್ತಿಗೆ ಸಂಭವಿಸಿರತಕ್ಕ ನಷ್ಟದ ಪರಿಮಾಣ ಎಷ್ಟೆಂಬುದನ್ನು ಅಂದಾಜು ಮಾಡುವುದಕ್ಕಾಗಲಿ—

(a) ಆ ಸ್ವತ್ತಿನ ಮಾಲೀಕನನ್ನಾಗಲಿ ಅಥವಾ ಅನುಭವದಾರನನ್ನಾಗಲಿ ಅಥವಾ ಆ ಸ್ವತ್ತಿನ ಸಂಬಂಧದಲ್ಲಿ ಬೆಂಕಿ ಅನಾಹುತದ ಸಂಬಂಧವಾದ ವಿಮೆಯ ಕೆಲಸವನ್ನು ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ನಡೆಯಿಸುತ್ತಿರುವ ಯಾವನಾದರೂ ಆಸಾಮಿಯನ್ನಾಗಲಿ ನ್ಯಾಯವಾಗಿ ತನಗೆ ಆವಶ್ಯಕವೆಂದು ತೋರಬಹುದಾದಂಥ ಲೆಕ್ಕ ವಿವರಗಳನ್ನಾಗಲಿ, ಪುಸ್ತಕಗಳನ್ನಾಗಲಿ ಅಥವಾ ಇತರ ದಸ್ತಾವೇಜುಗಳನ್ನಾಗಲಿ ತನಗೆ ಒಪ್ಪಿಸುವಂತೆ ಅಥವಾ ವಿವರಗಳನ್ನು ತನಗೆ ಒದಗಿಸುವಂತೆ ಕೋರಬಹುದು ; ಅಥವಾ

(b) ಸೂಕ್ತವಾದ ಯಾವ ಕಾಲದಲ್ಲಾಗಲಿ ಅಂಥ ಸ್ವತ್ತಾಗಿರತಕ್ಕ ಅಥವಾ ಅದನ್ನು ಒಳಗೊಂಡಿರತಕ್ಕ ಯಾವುದಾದರೂ ವಠಾರವನ್ನು ಪ್ರವೇಶಿಸಿ ಅಂಥ ವಠಾರವನ್ನು ಆಜಮಾಯಿಷಿ ಮಾಡಬಹುದು. ಮತ್ತು ಆ ವಠಾರದಲ್ಲಿ ಇರತಕ್ಕ ಯಾವನಾದರೂ ಮನುಷ್ಯನನ್ನು, ಆತನು ತನ್ನ ಪರಿಶೀಲನೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಅಂಶಗಳನ್ನು ತಿಳಿದಿದ್ದಾನೆಂದು ತನಗೆ ನಂಬಿಕೆಯುಂಟಾದ ಪಕ್ಷದಲ್ಲಿ, ತಾನು ಆವಶ್ಯಕವೆಂದು ನ್ಯಾಯವಾಗಿ ಭಾವಿಸತಕ್ಕಂಥ ಅಂತಗಳನ್ನು ತನಗೆ ಒದಗಿಸುವಂತೆ ಕೋರಬಹುದು. ''

5. ಆಕ್ಟಿನ 7ನೆಯ ಪ್ರಕರಣಕ್ಕೆ ಬದಲಾಗಿ ಈ ಕೆಳಗೆ ಕಂಡುದನ್ನು ಸೇರಿಸತಕ್ಕುದು. ಅದು ಯಾವುದೆಂದರೆ.—

1943ನೆಯ ಇಸವಿಯ VIನೆಯ ನಂಬರು ಆಕ್ಟಿನ 7ನೆಯ ಪ್ರಕರಣಕ್ಕೆ ಬದಲಾಗಿ ಒಂದು ಹೊಸ ಪ್ರಕರಣವನ್ನು ಸೇರಿಸುವುದು.

"7 (1) ಯಾವ ಮನುಷ್ಯನಾಗಲಿ ಈ ಆಕ್ಟಿನಲ್ಲಿ ವಿಧಿಸಿರುವ ರೀತಿಯಲ್ಲಿ ಅಥವಾ ವಿಧಿಸಿರುವ ಪೂರಾ ಹಣಕ್ಕೆ ವಿಮೆ ಮಾಡದೆ ತಪ್ಪಿ ಆ ಮೂಲಕ ಆ ರೀತಿ ತಾನು ತಪ್ಪದೆ ಇದ್ದಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಪ್ರೀಮಿಯಂ ರೂಪದಲ್ಲಿ ಎಷ್ಟು ಹಣವನ್ನು ಪಾವತಿ ಮಾಡಬೇಕಾಗಿದ್ದಿತೋ ಅಷ್ಟು ಹಣವನ್ನು ಪಾವತಿಮಾಡದೆ ತಪ್ಪಿಸಿಕೊಂಡಿರುವ ಸಂದರ್ಭದಲ್ಲಿ ಈ ಸಂಬಂಧವಾಗಿ ಸರ್ಕಾರದವರಿಂದ ಅಧಿಕಾರವಹಿಸಿಕೊಡಲ್ಪಟ್ಟಂಥ ಒಬ್ಬ ಆಫೀಸರು, 5ನೆಯ ಪ್ರಕರಣದ (4)ನೆಯ ಒಳಪ್ರಕರಣದ ನಿಯಮಗಳಿಗೆ ಬಾಧಕವಾಗದಂತೆ, ಆ ರೀತಿ ಕೊಡದೆ ತಪ್ಪಿಹೋಗಿರತಕ್ಕ ಹಣವೆಷ್ಟೆಂಬುದನ್ನು ನಿರ್ಧರಿಸತಕ್ಕುದು. ಆ ರೀತಿ ನಿರ್ಧರಿಸಲ್ಪಟ್ಟ ಹಣವು ಅಂಥ ಆಸಾಮಿಯಿಂದ ಪಾವತಿಮಾಡಲ್ಪಡಬೇಕಾಗಿರತಕ್ಕುದು ಮತ್ತು ಅಂಥ ಹಣವು ಅವನಿಂದ (2)ನೆಯ ಒಳಪ್ರಕರಣದಲ್ಲಿ ನಮೂದಿಸಿರುವ ರೀತಿಯಲ್ಲಿ ವಸೂಲು ಮಾಡಲ್ಪಡತಕ್ಕುದು.

(2) ಯುದ್ಧದ ದೆಸೆಯಿಂದ ಕಾರ್ಖಾನೆಗಳಿಗೆ ಉಂಟಾಗಬಹುದಾದ ನಷ್ಟಸಂಭವಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟು ಇಂಡಿಯಾ ಸರ್ಕಾರದವರು ನಡೆಯಿಸುತ್ತಿರುವ ವಿಮಾ ಏರ್ಪಾಡಿನ ಮೇರೆಗೆ ಸಾದರಾದ ಯಾವುದಾದರೂ ವಿಮಾ ಪತ್ರದ ಮೇಲೆ ಕೊಡಬೇಕಾದ ಯಾವುದಾದರೂ ಪ್ರೀಮಿಯಂ ಮೊಬಲಗಿನ ಕಂತನ್ನೂ ಮತ್ತು (1)ನೆಯ ಒಳಪ್ರಕರಣದ ಮೇರೆಗೆ ಪಾವತಿಮಾಡತಕ್ಕುದೆಂದು ನಿರ್ಧರಿಸಲ್ಪಟ್ಟ ಯಾವುದಾದರೂ ಹಣವನ್ನೂ ಜಮೀನು ಕಂದಾಯದ ಬಾಕಿಯಂತೆ ವಸೂಲು ಮಾಡತಕ್ಕುದು ಮತ್ತು ಯಾವ ಸ್ವತ್ತಿನ ವಿಚಾರದಲ್ಲಿ ಅದು ಪಾವತಿಯಾಗದೆ ತಪ್ಪಿಹೋಗಿದೆಯೋ ಆ ಸ್ವತ್ತಿನಿಂದ ಅದು ಮೊಟ್ಟಮೊದಲು ವಸೂಲಾಗಬೇಕಾದ ದೇಣಿ ಹೊಣೆಯ ಹಣವಾಗಿ ನಿಲ್ಲತಕ್ಕುದು.

(3) ಮೇಲೆ ಕಂಡ (1)ನೆಯ ಒಳಪ್ರಕರಣದ ಮೇರೆಗೆ ಯಾವ ಆಸಾಮಿಗೆ ವಿರುದ್ಧವಾಗಿ ಒಂದುನಿರ್ಧಾರವು ನಡೆದಿದೆಯೋ ಆ ಆಸಾಮಿಯು ವಿಧಾಯಕವಾದ ಕಾಲಾವಧಿಯ ಒಳಗಾಗಿ ಅಂಥ ನಿರ್ಧಾರದ ವಿಚಾರದಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೆ ಅಪೀಲು ಮಾಡಿಕೊಳ್ಳಬಹುದು. ಅಪೀಲಿನಲ್ಲಿ ಸರ್ಕಾರದವರು ಕೊಡತಕ್ಕ ತೀರ್ಮಾನವೇ ಆಖೈರು ತೀರ್ಮಾನವಾಗಿರತಕ್ಕುದು.

6. (1) ಆಕ್ಟಿನ 11ನೆಯ ಪ್ರಕರಣವನ್ನು ಅದೇ ಪ್ರಕರಣದ (1)ನೆಯ ಒಳಪ್ರಕರಣವನ್ನಾಗಿ ಗುರುತುಮಾಡಿ, ಆ ರೀತಿ ಗುರುತುಮಾಡಿದಪ್ರಕರಣದಲ್ಲಿ "5ನೆಯ ಪ್ರಕರಣದ ನಿಯಮಗಳು ಅನ್ವಯಿಸದಂತೆ" ಎಂಬ ಪದಗಳಿಂದ ಪ್ರಾರಂಭವಾಗಿಅದೇ ಪ್ರಕರಣದ ಕೊನೆಯವರೆಗಿರುವ ಪದಗಳಿಗೆ ಬದಲಾಗಿ ಈ ಕೆಳಗೆ ಕಂಡ ವಾಕ್ಯಗಳನ್ನು ಸೇರಿಸತಕ್ಕುದು. ಆ ವಾಕ್ಯಗಳು ಯಾವುದೆಂದರೆ.—

1943ನೆಯ ಇಸವಿಯ VIನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ 11ನೆಯ ಪ್ರಕರಣದ ತಿದ್ದುಪಾಟು.

"ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಅಂಥ ಕಾರ್ಖಾನೆಗಳ ಅಥವಾ ವರ್ತಕಗಳ ವಿಚಾರದಲ್ಲಿ ವಿಮೆ ಮಾಡಬೇಕೆಂದು ಅಥವಾ ವಿಮೆಮಾಡಿರುವುದನ್ನು ಮುಂದುವರಿಸಬೇಕೆಂದು ವಿಧಾಯಕಮಾಡುವ ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳು ಅನ್ವಯಿಸದಂತೆ ವಿನಾಯಿಸಬಹುದು ; ಆದರೆ ಆ ರೀತಿ ವಿನಾಯಿಸುವುದರಿಂದ, ಅಂಥ ವಿನಾಯಿತಿ ಜಾರಿಗೆ ಬರತಕ್ಕ ತಾರೀಖಿಗೆ ಮುಂಚೆ ಕೊಡಬೇಕಾಗಿದ್ದ ಯಾವುದಾದರೂ ದಂಡಕ್ಕೆ ಅಥವಾ ಉಂಟಾಗತಕ್ಕ ಯಾವುದಾದರೂ ದೇಣಿಗೆ ಗುರಿಯಾಗುವುದಕ್ಕೆ ಪ್ರತಿಬಂಧಕವುಂಟಾಗತಕ್ಕುದಲ್ಲ."

(2) ಆ ರೀತಿ (1)ನೆಯ ಒಳಪ್ರಕರಣವೆಂದು ಗುರುತುಮಾಡಲ್ಪಟ್ಟ ಪ್ರಕರಣಕ್ಕೆ ಮುಂದೆ ಕಂಡ ಹೊಸ ಒಳಪ್ರಕರಣವನ್ನು ಸೇರಿಸತಕ್ಕುದು. ಆ ಒಳಪ್ರಕರಣ ಯಾವುದೆಂದರೆ.—

"(2) ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಯಾವುದಾದರೂ ವಿನಾಯಿತಿಯನ್ನು ಮಂಜೂರು ಮಾಡುವಾಗ್ಗೆ ಸರ್ಕಾರದವರು ಅಂಥ ವಿನಾಯಿತಿಯು ಇಸ್ತಿಹಾರ್ನಾಮೆಯ ತಾರೀಖಿನ ತರುವಾಯದ ಒಂದುತಾರೀಖಿನಿಂದ ಜಾರಿಗೆ ಬರತಕ್ಕುದೆಂದೂ ಅಥವಾ ಆ ಇಸ್ತಿಹಾರ್ನಾಮೆಗೆ ಮುಂಚಿನ ಯಾವುದಾದರೂ ಒಂದು ನಿರ್ದಿಷ್ಟವಾದ ತಾರೀಖಿನ ದಿವಸದಿಂದ ಜಾರಿಗೆ ಬಂದಿದ್ದಂತೆ ಭಾವಿಸತಕ್ಕುದೆಂದೂ ಅಪ್ಪಣೆ ಮಾಡಬಹುದು."

BILL TO AMEND THE WAR RISKS (FACTORIES) INSURANCE ACT, 1943.

Existing Section	Amendment proposed	Section as amended	Remark
Cl. (a) of Section 2: "buildings" includes foundations, plints, floors, stair-cases, tanks, engine and boiler beds and flues;	To clause (a) the words "and boundary walls" shall be added.	"buildings" includes foundations, plints, floors, stair-cases, tanks, engine and boiler beds and flues and boundary walls;	
Clause (h) of Section 2: "property insurable under this Act" means, in relation to any factory, the factory buildings, all plant and machinery in the factory, and such other plant and machinery as may be prescribed;	New clause substituted.	"(h) "property insurable under this Act' means, in relation to any factory, the factory buildings and, except where they are for the time being goods insurable under the Mysore War Risks (Goods) Insurance Act, 1943 (Act VII of 1943), all plant and machinery in the factory, all materials in the factory for use in the production or transmission of motive power, or in the maintenance of plant and machinery or in the construction or reconstruction or maintenance of factory buildings, and such other plant, machinery or materials as may be prescribed."	
	New clause (hh) inserted after clause (h)	"(hh) 'quarter' means a period of three months commencing on the 1st day of March, June, September or December."	

BILL TO AMEND THE WAR RISKS (FACTORIES) INSURANCE ACT, 1943.

Existing Section	Amendment proposed.	Section as amended	Remarks
Sub-section (1) of Section 5: 5. (1) Every owner of a factory, except a factory belonging to the Government or a factory exempted under section 11 from the provisions of this Act, shall, by such date as may be specified in this behalf by the Government, by notification in the official Gazette, take out a policy of insurance against war risks issued in accordance with the War Risks (Factories) Insurance Scheme operated by the Government of India, whereby he is insured in respect of all property insurable under this Act, which appertains to the factory for a sum not less than the insurable value of such property: and a proviso to this sub-section.	In sub-section (1) after the words " by notification in the Official Gazette" the under-lined words in Col. 3 shall be inserted.	5.(1) Every owner of a property,..... .....by notification in the Official Gazette, or, in respect of premises becoming a factory or property insurable under this Act after that date or in a case to which sub-section (2) refers, before the commencement of the quarter next following that in which the premises become a factory or the property becomes insurable under this Act, or as the case may be in which the reconstruction of the factory is completed, or before the expiry of seven days from the commencement of the War Risks (Factories) Insurance (Amendment) Act, 1943, whichever is later, take out a policy of insurance ~~xxxxxx~~ against war risks issued in accordance with ..... such property: and the proviso to it as before	
Sub-Section (4) of Section 5: (4) Whoever contravenes the provisions of sub-section (1) or the proviso thereto, or, having taken out a policy of insurance as required by that sub-section fails to pay any instalment of premium thereon which is subsequently due, shall be punishable with fine which may extend to two thousand rupees and with a further fine which may extend to one thousand rupees for every day after the first on which the contravention or failure continues.	The under-lined words in Col. 3 shall be added.	5.(4) Whoever contravenes ..... shall be punishable with fine ..... or failure continues, and such punishment shall be without prejudice to any other penalty or liability incurred in consequence of such contravention or failure.	

BILL TO AMEND THE WAR RISKS (FACTORIES) INSURANCE ACT, 1943.

Existing Section	Amendment proposed	Section as amended	Remarks
	After sub-section(4), new sub-section added.	5.(5) where any offence under sub-section (4) is tried by a Magistrate competent to try such offence, then, ~~xxxxxxxxx~~ notwithstanding anything contained in any other law in force in Mysore, the Magistrate trying the offence may pass any sentence authorised by that sub-section.	
	For sub-section (1) of section 6, a new sub-section substituted.	6.(1) Any persons authorised in this behalf by the Government may, for the purpose of ascertaining whether or not the owner or occupier of any property required to be insured under this Act has taken out a policy of insurance as required by this Act in respect of such property, or for the purpose of investigating the insurable value of any property insured, or required to be insured, or proposed for insurance under this Act, or for the purpose of estimating the damage suffered by any property insured under this Act, (a) require the owner or occupier of the property, or any person carrying on in Mysore the business of fire insurance in respect of the property, to submit to him such accounts, books or other documents, or to furnish to him such information as he may reasonably think necessary, or (b) at any reasonable time enter any premises compromising or containing the property, inspect such premises or property, and require any person found on such premises whom he believes to be in possession of information relevant to his investigation, to furnish to him such information as he may reasonably think necessary.	

BILL TO AMEND THE WAR RISKS (FACTORIES) INSURANCE ACT, 194[illegible].

Existing Section	Amendment proposed	Section as amended	Remarks
	For section 7, new section mentioned in Vol. 3 shall be substituted.	7. (1)Without prejudice to the provisions of sub-section (4) of section 5, where any person has failed to insure as, or to the full amount, required by this Act, and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Government may determine the amount payment of which has been so evaded and the amount so determined shall be payable by such person and shall be recoverable from him as provided in sub-section (2). (2) Any instalment of premium due on a policy of insurance issued under the War Risks (Factories) Insurance Scheme operated by the Government of India, and any amount determined as payable under sub-section (1) shall be recoverable as an arrear of land revenue and shall be a first charge on the property in respect of which the default was made. (3) A person against whom a determination is made under sub-section (1) may, within the prescribed period, appeal against such determination to the Government, whose decision shall be final.	

BILL TO AMEND THE WAR RISKS (FACTORIES) INSURA[redacted]

Existing Section	Amendment proposed	Section as amend[redacted]	Remarks
	Section 11 of the Act shall be renumbered as sub-section (1) of that Section and in the Section as so renumbered, for the words beginning with "from the provisions of Section 57 and ending with the end of the Section, the underlined words in Vol. 3 shall be substituted.	11.(1) Any [redacted]nt may, by notification in the [redacted]tte, exempt any factory or any descri[redacted]t factories or any premises including [redacted]ecincts thereof which have at any time [redacted] the 31st day of December, 1938, been a [redacted]tory, from the provisions of this Act re[redacted]ng such factories or premises to be insu[redacted]r to continue to be insured under this [redacted] but such exemption shall not prejudice th[redacted] infliction of any penalty or the accrual of any liability incurred before the date on which the exemption takes effect..	
	Sub-section (2) shall be added to Section 11	11.(2) In granting any exemption under this section, the Government may direct that the exemption shall take effect or be deemed to have taken effect on a specified date after or before the date of the notification.	

WAR RISKS (FACTORIES) INSURANCE.

The Government of India put into operation the War Risks (Factories) Insurance, with effect from 1st April 1942. It was considered desirable that this insurance should be extended to the State and representations urging this course were also received from the Mysore Chamber of Commerce and other Public Bodies in the State. Considering the magnitude of the ~~individual~~ industrial interests in the State and of the risks to be covered, the introduction of an independent scheme by this Government confined only to the State was thought would be beyond the resources of the State. The Government of India were therefore requested to make the scheme applicable to the State. After persuasion, they agreed to extend their Sche to the State. Under the Scheme, insurance has to be effected with the Government agent appointed by the Government of India who administer the scheme, receive the premia and carry the risks.

This Government undertook to pass the Act in the State (the rules framed thereunder by the Government of India applying mutatis mutandis here also) and an undertaking was also given to effectively preclude the suing of the Government of India (qua insurer) in the Courts of the State. The Government of India stated that as the contract of insurance would be between the persons in the State and the Governor-General they would insert the following conditions in the Policy to be issued in the State and this was agreed to.

(1) that the contract shall be deemed to be made in British India.

(2) that claims under the Policy shall be settled in British India.

(3) that the insured agrees to submit to the jurisdictions of courts in British India for all matters arising out of or in connection with the Policy of Insurance.

The last date fixed for taking out policies was fixed at 30th September 1942. The Government of India gave this Government the option either to insure the State owned factories or to exempt them from its operation and this Government decided to adopt the latter alternative. Khan Bahadur M. Kazim Ali Ansari Saheb, Special Officer for War Risks Insurance, Madras, was authorised to exercise the powers under Section 6(1) of the (Factories) Act. No officer of this Government has been authorised to exercise any powers under the Act.

Under the Act, the buildings, plant and machinery of the factory are insurable.

Any property so declared by Government and premises whereof only a part is subjected to the Factories Act 1934 and that is ancillary to the main purposes of the premises are not insuranble under the Act.

The insurance is compulsory where the owner and the occupier are different persons and the former does not insure, the responsibility shall rest on the occupier who shall take out a policy. The occupier of a factory is the person who has ultimate control over the affairs of the Factory. The application form should be completed and forwarded

with a remittance of the first instalment of premium to the Government agent and supplementary insurance must be made on a separate form to be obtained ~~for~~ from the Government of India who issued the original policy. All policies issued at the inauguration of the Government of India Scheme will provide cover for risks for 2 years 1-4-1942 and all policies taken out thereafter will expire on 31st March 1944 and no policy will be issued to expire on any intermediate date.

The premiums are payable as noted below in the case of policies taken out after 29th May 1942.

Period during which the property becomes insurable under the said ordinance.	Rate of premium	Number of the instalments in which the premium is payable
30-5-1942 to 31-8-1942	3½% of the insurable value of the property.	7
1-9-1942 to 30-11-1942	3% -do-	6
1-12-1942 to 28-2-1943	2½% -do-	5
1-3-1942 to 31-5-1943	2% -do-	4
1-6-1943 to 31-8-1943	1½% -do-	3
1-9-1943 to 30-11-1943	1% -do-	2
1-12-1943 to 31-3-1944.	½% -do-	1

The payment of premium is quarterly.

The Director of Industries and Commerce (also Chief Inspector of Factories) has been instructed to collect and forward the information required by the Special Officer in connection with the working of the Scheme.

As per latest information received from the Special Officer on 9-6-1943, 250 Factories have insured so far as against 256 factories as per latest list of Factories received from the Director of Industries and Commerce.

PJ 24/6/43

As passed by the Legislative Council on 5th July 1943

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No. Rl. 1104, *dated Bangalore, the 7th June* 1943.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the War Risks (Factories) Insurance (Amendment) Bill together with the Statement of Objects and Reasons.

By Order,

C. NARAYANASWAMY NAIDU,

Secretary to Government,
Law Department.

BILL TO AMEND THE WAR RISKS (FACTORIES) INSURANCE ACT, 1943.

WHEREAS it is expedient to amend the War Risks (Factories) Insurance Act, 1943;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the War Risks (Factories) Insurance (Amendment) Act, 194 .

(2) It shall come into force at once.

Amendment of section 2, Act VI of 1943.

2. In section 2 of the War Risks (Factories) Insurance Act, 1943 (hereinafter referred to as the said Act),—

(*a*) to clause (*a*) the words " and boundary walls " shall be added ;

(*b*) for clause (*h*) the following clause shall be substituted, namely :—

" (*h*) ' property insurable under this Act ' means, in relation to any factory, the factory buildings and, except where they are for the time being goods insurable under the Mysore War Risks (Goods) Insurance Act, 1943 (Act VII of 1943), all plant and machinery in the factory, all materials in the factory for use in the production or transmission of motive power, or in the maintenance of plant and machinery or in the construction or reconstruction or maintenance of factory buildings, and such other plant, machinery or materials as may be prescribed."

(*c*) after clause (*h*) the following clause shall be inserted, namely :—

"(*hh*) 'quarter' means a period of three months commencing on the 1st day of March, June, September or December."

3. In section 5 of the said Act,—

Amendment of section 5, Act VI of 1943.

(*a*) in sub-section (1), after the words "by notification in the official Gazette" the following shall be inserted, namely :—

"or, in respect of premises becoming a factory or property becoming property insurable under this Act after that date or in a case to which sub-section (2) refers, before the commencement of the quarter next following that in which the premises become a factory or the property becomes insurable under this Act, or as the case may be in which the reconstruction of the factory is completed, or before the expiry of seven days from the commencement of the War Risks (Factories) Insurance (Amendment) Act, 1943, whichever is later,"

(*b*) to sub-section (4) the following words shall be added, namely :—

"and such punishment shall be without prejudice to any other penalty or liability incurred in consequence of such contravention or failure";

(*c*) after sub-section (4), the following sub-section shall be added, namely :—

"(5) where any offence under sub-section (4) is tried by a Magistrate competent to try such offence, then, notwithstanding anything contained in any other law in force in Mysore, the Magistrate trying the offence may pass any sentence authorised by that sub-section."

Amendment of section 6, Act VI of 1943.

4. For sub-section (1) of section 6 of the said Act, the following sub-section shall be substituted, namely :—

"(1) Any person authorised in this behalf by the Government may, for the purpose of ascertaining whether or not the owner or occupier of any property required to

be insured under this Act has taken out a policy of insurance as required by this Act in respect of such property, or for the purpose of investigating the insurable value of any property insured, or required to be insured, or proposed for insurance under this Act, or for the purpose of estimating the damage suffered by any property insured under this Act,—

(*a*) require the owner or occupier of the property, or any person carrying on in Mysore the business of fire insurance in respect of the property, to submit to him such accounts, books or other documents, or to furnish to him such information as he may reasonably think necessary, or

(*b*) at any reasonable time enter any premises comprising or containing the property, inspect such premises or property, and require any person found on such premises whom he believes to be in possession of information relevant to his investigation, to furnish to him such information as he may reasonably think necessary."

Substitution of a new section for section 7, Act VI of 1948.

*5. For section 7 of the said Act, the following shall be substituted, namely :—

"7(1) Without prejudice to the provisions of sub-section (4) of section 5, where any person has failed to insure as, or to the full amount, required by this Act, and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Government may determine the amount payment of which has been so evaded and the amount so determined shall be payable by such person and shall be recoverable from him as provided in sub-section (2).

(2) Any instalment of premium due on a policy of insurance issued under the War Risks (Factories) Insurance Scheme operated by the Government of India, and any amount determined as payable under sub-section (1) shall be recoverable as an arrear of land revenue and shall be a first charge on the property in respect of which the default was made.

(3) A person against whom a determination is made under sub-section (1) may, within the prescribed period, appeal against such determination to the Government, whose decision shall be final."

6. (1) Section 11 of the said Act shall be renumbered as sub-section (1) of that section and in the section as so renumbered, for the words beginning with "from the provisions of section 5" and ending with the end of the section, the following words shall be substituted, namely :—

"from the provisions of this Act requiring such factories or premises to be insured or to continue to be insured under this Act: but such exemption shall not prejudice the infliction of any penalty or the accrual of any liability incurred before the date on which the exemption takes effect."

(2) To the said section as so renumbered by the foregoing sub-section, the following sub-section shall be added, namely :—

"(2) In granting any exemption under this section, the Government may direct that the exemption shall take effect or be deemed to have taken effect on a specified date after or before the date of the notification."

D. H. Chandrasekharaiya 12/3/43
president
legislative council

Statement of Objects and Reasons.

Two Ordinances (XXXII of 1942 and IX of 1943) have been promulgated by the Governor-General, amending the War Risks (Factories) Insurance Ordinance, 1942. The present Bill is intended to incorporate the main provisions of those Ordinances in our principal Act.

Statutory provision has been made under the Bill for the insuring compulsorily by owners of premises, which become factories and by owners of property which becomes insurable under the principal Act. A wider definition of "Insurable Property" is given so as to include all materials in the factory for use in the production or transmission of motive power or in the construction of Factory buildings, except where they are, for the time being, goods insurable under the Mysore War Risks (Goods) Insurance Act, 1943. Powers have been conferred upon persons authorised by Government to require any person carrying on the business of fire insurance in respect of the property to submit accounts, books or other documents. The officers authorised by the Government are also empowered to determine the amount payable by any person who has failed to insure or has evaded the

D.F.N.

PROMULGATION OF WAR RISKS (FACTORIES) INSURANCE (AMENDMENT) BILL.

The gracious approval of His Highness was accorded on the 10th of May 1943 to place the War Risks (Factories) Insurance (Amendment) Bill before the Representative Assembly and the Legislative Council. The Bill was placed before the Assembly during its session in June this year and was approved by that Chamber. The Bill was thereafte introduced in the Legislative Council during its recent Budget session and passed by it. A copy of the Bill as passed in the Council and signed by the President under Rule 44 of the Mysore Legislative Council Standing orders is submitted herewith.

I solicit the gracious sanction of His Highness to promulgate the Bill into law.

MINISTER FOR EDUCATION.

14.5.43

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. RI 139 Legis 2-43-1 Dated, Bangalore, 31st July 1943

Ordered that the accompanying War Risks (Factories) Insurance (Amendment) Act 1943

which received the assent of His Highness the Maharaja, on the 25th day of July 1943, be published as Act No. XXIII of 1943, in the *Mysore Gazette*, for general information.

BNR 31/7/43

~~General~~ Secretary to Government.

BVN 31/7 Law Department

To

1. The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

2. Copy to the Translation Section.

Office copy

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Order No.....Legis 2-431 Dated, Bangalore, 31st July 2nd August 1943.

Ordered that the accompanying War Risks (Factories) Insurance (Amendment) Act, 1943 which received the assent of His Highness the Maharaja, on the 25th day of July 1942, be published as Act No. XXIII of 1943, in the Mysore Gazette, for general information.

V Narayana Rao

Secretary to Government,
Law Department.

To

(1) The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

(2) Copy to the Translation Section.

extent in respect of the income of companies only, and this Bill is accordingly brought forward.

No Super-Tax will be levied in respect of companies whose total income is less than Rs. 2,400; while in the case of companies whose total income is Rs. 2,400 or upwards but less than Rs. 4,800, a tax of one anna in the rupee is proposed to be levied. In respect of companies whose total income is Rs. 4,800 or upwards, the rate of levy will be one anna and six pies in the rupee. These changes will be brought into effect from the first day of July 1943.

No. Rl. 1104, *dated Bangalore, the 7th June* 1943.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the War Risks (Factories) Insurance (Amendment) Bill together with the Statement of Objects and Reasons.

By Order,

C. NARAYANASWAMY NAIDU,

Secretary to Government,
Law Department.

Act No XXIII of 1943

An Act ~~BILL~~ TO AMEND THE WAR RISKS (FACTORIES) INSURANCE ACT, 1943.

Received the assent of His Highness the Maharaja on the 15th Day of July 1943)

WHEREAS it is expedient to amend the War Risks (Factories) Insurance Act, 1943;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the War Risks (Factories) Insurance (Amendment) Act, 1943.

(2) It shall come into force at once.

Amendment of section 2, Act VI of 1943.

2. In section 2 of the War Risks (Factories) Insurance Act, 1943 (hereinafter referred to as the said Act),—

(*a*) to clause (*a*) the words "and boundary walls" shall be added;

(*b*) for clause (*h*) the following clause shall be substituted, namely :—

"(*h*) 'property insurable under this Act' means, in relation to any factory, the factory buildings and, except where they are for the time being goods insurable under the Mysore War Risks (Goods) Insurance Act, 1943 (Act VII of 1943), all plant and machinery in the factory, all materials in the factory for use in the production or transmission of motive power, or in the maintenance of plant and machinery or in the construction or reconstruction or maintenance of factory buildings, and such other plant, machinery or materials as may be prescribed."

(*c*) after clause (*h*) the following clause shall be inserted, namely :—

"(*hh*) 'quarter' means a period of three months commencing on the 1st day of March, June, September or December."

3. In section 5 of the said Act,—

(*a*) in sub-section (1), after the words "by notification in the official Gazette" the following shall be inserted, namely :— Amendment of section 5, Act VI of 1943.

"or, in respect of premises becoming a factory or property becoming property insurable under this Act after that date or in a case to which sub-section (2) refers, before the commencement of the quarter next following that in which the premises become a factory or the property becomes insurable under this Act, or as the case may be in which the reconstruction of the factory is completed, or before the expiry of seven days from the commencement of the War Risks (Factories) Insurance (Amendment) Act, 1943, whichever is later,"

(*b*) to sub-section (4) the following words shall be added, namely :—

"and such punishment shall be without prejudice to any other penalty or liability incurred in consequence of such contravention or failure" ;

(*c*) after sub-section (4), the following sub-section shall be added, namely :—

"(5) where any offence under sub-section (4) is tried by a Magistrate competent to try such offence, then, notwithstanding anything contained in any other law in force in Mysore, the Magistrate trying the offence may pass any sentence authorised by that sub-section."

4. For sub-section (1) of section 6 of the said Act, the following sub-section shall be substituted, namely :— Amendment of section 6, Act VI of 1943.

"(1) Any person authorised in this behalf by the Government may, for the purpose of ascertaining whether or not the owner or occupier of any property required to

be insured under this Act has taken out a policy of insurance as required by this Act in respect of such property, or for the purpose of investigating the insurable value of any property insured, or required to be insured, or proposed for insurance under this Act, or for the purpose of estimating the damage suffered by any property insured under this Act,—

(*a*) require the owner or occupier of the property, or any person carrying on in Mysore the business of fire insurance in respect of the property, to submit to him such accounts, books or other documents, or to furnish to him such information as he may reasonably think necessary, or

(*b*) at any reasonable time enter any premises comprising or containing the property, inspect such premises or property, and require any person found on such premises whom he believes to be in possession of information relevant to his investigation, to furnish to him such information as he may reasonably think necessary."

Substitution of a new section for section 7, Act VI of 1943.

5. For section 7 of the said Act, the following shall be substituted, namely :—

"7(1) Without prejudice to the provisions of sub-section (4) of section 5, where any person has failed to insure as, or to the full amount, required by this Act, and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Government may determine the amount payment of which has been so evaded and the amount so determined shall be payable by such person and shall be recoverable from him as provided in sub-section (2).

(2) Any instalment of premium due on a policy of insurance issued under the War Risks (Factories) Insurance Scheme operated by the Government of India, and any amount determined as payable under sub-section (1) shall be recoverable as an arrear of land revenue and shall be a first charge on the property in respect of which the default was made.

(3) A person against whom a determination is made under sub-section (1) may, within the prescribed period, appeal against such determination to the Government, whose decision shall be final."

6. (1) Section 11 of the said Act shall be renumbered as sub-section (1) of that section and in the section as so renumbered, for the words beginning with "from the provisions of section 5" and ending with the end of the section, the following words shall be substituted, namely :—

"from the provisions of this Act requiring such factories or premises to be insured or to continue to be insured under this Act: but such exemption shall not prejudice the infliction of any penalty or the accrual of any liability incurred before the date on which the exemption takes effect."

(2) To the said section as so renumbered by the foregoing sub-section, the following sub-section shall be added, namely :—

"(2) In granting any exemption under this section, the Government may direct that the exemption shall take effect or be deemed to have taken effect on a specified date after or before the date of the notification."

(Sd). N. Madhava Rau
Dewan

Statement of Objects and Reasons

Two Ordinances (XXXII of 1942 and IX of 1943) have been promulgated by the Governor-General, amending the War Risks (Factories) Insurance Ordinance, 1942. The present Bill is intended to incorporate the main provisions of those Ordinances in our principal Act.

Statutory provision has been made under the Bill for the insuring compulsorily by owners of premises, which become factories and by owners of property which becomes insurable under the principal Act. A wider definition of "Insurable Property" is given so as to include all materials in the factory for use in the production or transmission of motive power or in the construction of Factory buildings, except where they are, for the time being, goods insurable under the Mysore War Risks (Goods) Insurance Act, 1943. Powers have been conferred upon persons authorised by Government to require any person carrying on the business of fire insurance in respect of the property to submit accounts, books or other documents. The officers authorised by the Government are also empowered to determine the amount payable by any person who has failed to insure or has evaded the

payment of full amount required by the Act and such amount shall be recoverable as an arrear of land revenue. But a right to appeal to Government is also statutorily provided for in favour of a person against whom such determination is made.

The Government are also empowered to grant exemption to factories from the operation of the Act, subject to two conditions, namely, that such exemption shall not prejudice the infliction of any penalty or the accrual of any liability incurred before thedate on which the exemption takes effect and that such exemption shall take effect on a date specified in the notification issued in this behalf.

NOTIFICATION.

No. Rl. 139—*Legis.* 2-43-1, *dated Bangalore, the 2nd August* 1943.

Ordered that the accompanying War Risks (Factories) Insurance (Amendment) Act, 1943 which received the assent of His Highness the Maharaja, on the 25th day of July 1943, be published as Act No. XXIII of 1943, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMY NAIDU,

Secretary to Government, Law Department.

ACT No. XXIII OF 1943.

AN ACT TO AMEND THE WAR RISKS (FACTORIES) INSURANCE ACT, 1943.

(*Received the assent of His Highness the Maharaja, on the 25th day of July* 1943).

WHEREAS it is expedient to amend the War Risks (Factories) Insurance Act, 1943;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the War Risks (Factories) Insurance (Amendment) Act, 1943.

(2) It shall come into force at once.

Amendment of section 2, Act VI of 1943.

2. In section 2 of the War Risks (Factories) Insurance Act, 1943 (hereinafter referred to as the said Act),—

(*a*) to clause (*a*) the words "and boundary walls" shall be added;

(*b*) for clause (*h*) the following clause shall be substituted, namely :—

"(*h*) 'property insurable under this Act' means, in relation to any factory, the factory buildings and, except where they are for the time being goods insurable under the Mysore War Risks (Goods) Insurance Act, 1943 (Act VII of 1943), all plant and machinery in the factory, all materials in the factory for use in the production or transmission of motive power, or in the maintenance of

plant and machinery or in the construction or reconstruction or maintenance of factory buildings, and such other plant, machinery or materials as may be prescribed."

(*c*) after clause (*h*) the following clause shall be inserted, namely :—

"(*hh*) 'quarter' means a period of three months commencing on the 1st day of March, June, September or December."

3. In section 5 of the said Act,—

Amendment of section 5, Act VI of 1943.

(*a*) in sub-section (1), after the words "by notification in the official Gazette" the following shall be inserted, namely :—

"or, in respect of premises becoming a factory or property becoming property insurable under this Act after that date or in a case to which sub-section (2) refers, before the commencement of the quarter next following that in which the premises become a factory or the property becomes insurable under this Act, or as the case may be in which the reconstruction of the factory is completed, or before the expiry of seven days from the commencement of the War Risks (Factories) Insurance (Amendment) Act, 1943, whichever is later,"

(*b*) to sub-section (4) the following words shall be added, namely :—

"and such punishment shall be without prejudice to any other penalty or liability incurred in consequence of such contravention or failure" ;

(*c*) after sub-section (4), the following sub-section shall be added, namely :—

"(5) where any offence under sub-section (4) is tried by a Magistrate competent to try such offence, then, notwithstanding anything contained in any other law in force in Mysore, the Magistrate trying the offence may pass any sentence authorised by that sub-section."

4. For sub-section (1) of section 6 of the said Act, the following sub-section shall be substituted, namely :— Amendment of section 6, Act VI of 1943

"(1) Any person authorised in this behalf by the Government may, for the purpose of ascertaining whether or not the owner or occupier of any property required to be insured under this Act has taken out a policy of insurance as required by this Act in respect of such property, or for the purpose of investigating the insurable value of any property insured, or required to be insured, or proposed for insurance under this Act, or for the purpose of estimating the damage suffered by any property insured under this Act,—

(*a*) require the owner or occupier of the property, or any person carrying on in Mysore the business of fire insurance in respect of the property, to submit to him such accounts, books or other documents, or to furnish to him such information as he may reasonably think necessary, or

(*b*) at any reasonable time enter any premises comprising or containing the property, inspect such premises or property, and require any person found on such premises whom he believes to be in possession of information relevant to his investigation, to furnish to him such information as he may reasonably think necessary."

5. For section 7 of the said Act, the following shall be substituted, namely :— Substitution of a new section for section 7, Act VI of 1943.

"7(1) Without prejudice to the provisions of sub-section (4) of section 5, where any person has failed to insure as, or to the full amount, required by this Act, and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Government may determine the amount payment of which has been so evaded and the amount so determined shall be payable by such person and shall be recoverable from him as provided in sub-section (2).

(2) Any instalment of premium due on a policy of insurance issued under the War Risks (Factories) Insurance Scheme operated by the Government of India, and any amount determined as payable under sub-section (1) shall be recoverable as an arrear of land revenue and shall

be a first charge on the property in respect of which the default was made.

(3) A person against whom a determination is made under sub-section (1) may, within the prescribed period, appeal against such determination to the Government, whose decision shall be final."

6. (1) Section 11 of the said Act shall be renumbered as sub-section (1) of that section and in the section as so renumbered, for the words beginning with "from the provisions of section 5" and ending with the end of the section, the following words shall be substituted, namely:—

"from the provisions of this Act requiring such factories or premises to be insured or to continue to be insured under this Act: but such exemption shall not prejudice the infliction of any penalty or the accrual of any liability incurred before the date on which the exemption takes effect."

(2) To the said section as so renumbered by the foregoing sub-section, the following sub-section shall be added, namely:—

"(2) In granting any exemption under this section, the Government may direct that the exemption shall take effect or be deemed to have taken effect on a specified date after or before the date of the notification."

N. MADHAVA RAO,
Dewan.

Price: Re. 0-0-6

Printed by the Superintendent at the Government Press, Bangalore.